



Joint Standing Committee on Migration Inquiry into settlement outcomes
January 2017

Submission summary

General comments

- Settlement outcomes in employment, housing, education and health are both markers and the means for migrants achieving integration.
- Settlement outcomes are both economic and social, for migrants themselves and the broader Australian society.
- Integration is a two-way process of mutual adaptation by new migrants and the host society.
- Population growth through migration is a contributor to economic growth, and also requires investment in infrastructure.

Settlement services available and effectiveness of these services

- Settlement programs develop the capacity of the individual, and the social connections vital to civic, social and economic participation.
- Providers of Commonwealth-funded settlement programs facilitate coordination at the local level between settlement initiatives of the Commonwealth, States/Territories and mainstream services.
- Settlement services in Australia have been effective in promoting better settlement outcomes for migrants.
- The Productivity Commission has concluded that the current migration system has generally served the interests of Australia, migrants themselves and the broader community well.
- Surveys by the Scanlon Foundation indicate that recently arrived migrants have a high sense of belonging to Australia and trust in the institutions of Australian society.
- The recently completed evaluation of the Humanitarian Settlement Services (HSS) program, commissioned by the Department of Social Services, found that the program was largely achieving its goals and objectives.
- Similarly, the independent evaluation of SSI's decentralised HSS service delivery model found that former clients of SSI reported a successful start to their settlement journey.

National and international best practice

- National and international best practice strategies to improve settlement outcomes include targeted settlement services, migrant access to universal services, and strong national coordination of settlement initiatives across all levels of government.
- Under the Migrant Integration Policy Index (MIPEX) Australia has been ranked number 8 out of 38 participating countries, with regard to integration and settlement.
- Under MIPEX Australia is ranked highly with regard to settlement strategies in education, health and pathways to citizenship.

- Australia is ranked lower by MIPEX on migrant employment; but State/Territory initiatives such as the NSW Refugee Employment Support Program could provide a template for targeted national migrant employment programs.
- There have been some gaps in Australia's intergovernmental coordination of settlement, and the recently released *National Settlement Framework* is a welcome step to address these gaps.
- The coordination of the response to the increase in humanitarian entrants from the Syrian conflict is a strong example of the NSW Government leading work across all levels of government, the non-government sector and corporate sectors to plan and deliver stronger outcomes for new arrivals.
- Discrimination is a barrier to economic and social participation; the Racial Discrimination Act has an important role to protect migrants from discrimination and promote Australia as a tolerant society to prospective migrants, students and visitors.

The importance of English language ability

- English language for new migrants is an enabler of independence and social and economic participation.
- Family stream migrants and refugees can and do make an economic contribution even where their English language is poor prior to arrival.

Current migration processes

- Australian migration processes and eligibility criteria are designed to select migrants with best settlement prospects, but there are limitations on what can be predicted prior to arrival.
- With settlement support and opportunities after arrival, refugees and people with poor English can achieve strong settlement and integration outcomes.

Related matters

- Migrants should be able to access settlement services in exceptional circumstances, consistent with a recommendation of the Productivity Commission.
- New permanent residents transitioning from temporary residence should be able to access settlement services in exceptional circumstances.

Social engagement of young migrants

- In situations where young people are marginalised and excluded they are more likely to seek peer support from other young people who have similar experiences.
- There are several examples of effective initiatives in schools and other settings to strengthen the social engagement of young migrants and refugees and improve educational, social and employment outcomes.

Settlement Services International

Settlement Services International (SSI) is a community-based, not-for-profit organisation committed to a vision of a society that values the diversity of its people and actively provides support to ensure meaningful social and economic participation. SSI provides a range of services in the areas of humanitarian and migrant settlement, housing services, asylum seeker assistance, disability support, foster care, and employment support services in NSW.

SSI is the largest provider in NSW of the Humanitarian Settlement Services program, funded by the Department of Social Services (DSS), to newly arrived refugees and other humanitarian entrants. SSI is also the lead organisation in a consortium, the NSW Settlement Partnership, of 23 partner agencies which deliver the Settlement Services Program, also funded by DSS, to refugees and family stream migrants in the first five years of settlement across NSW. In 2015 - 2016, SSI provided direct services to more than 16,000 individuals, mostly newly arrived migrants and refugees, and co-ordinated programs which reached an additional 11,000 individuals.

Formed in 2000, SSI is also an umbrella organisation for 11 Migrant Resource Centres (MRCs) and multicultural organisations across NSW. Collectively, our member MRCs provide services to between 30,000-40,000 individuals in any given year. Like SSI, MRCs mainly provide a range of services to refugees and migrants, particularly in the early stages of settlement.

SSI is well placed to contribute to this Inquiry, drawing on our extensive service of delivery experience and significant engagement with newly arrived migrants and communities.

General comments

Australia is a country of immigrants with successive waves of migration contributing to the social and economic fabric of Australia. Successful settlement and integration are key objectives of migration policy with integration usually defined as the ability to participate fully in economic, social, cultural and civic life (Fozdar & Hartley, 2013). Key settlement outcomes are usually conceptualised across a number of domains including employment, housing, education and health. These domains are both the markers and the means of achieving integration, which is a multi-dimensional, long-term, two-way process of mutual adaptation by new migrants and the host society (Fozdar & Hartley, 2013).

Settlement outcomes are both economic and social, for migrants themselves and the broader Australian society. Australia's population is one of its most important and valuable assets, and migration provides a net benefit to Australia. The costs involved in the settlement and integration of migrants are an investment in our newest citizens, and the future success of our nation.

The recent Productivity Commission Inquiry into the Migrant Intake in Australia found that:

... with the current age profile of the migrant intake, gross domestic product is projected to increase by some 7 per cent relative to a zero net migration case by 2060." (Productivity Commission, 2016)

Australia, like many other developed countries, is witnessing changes in the size and composition of its migration program. The main elements of Australia's migration program are the skilled stream and the family stream. The humanitarian intake accounts for about 10 per cent of permanent visas issued each year. In recent decades the migration program has more or less doubled and the scale of temporary migration in Australia has grown substantially (Cully & Pejowski, 2012).

The source countries of our migration program have also shifted towards non-English speaking countries, particularly countries in Asia and the Middle East. Migrants, especially recent migrants, tend

to be younger than the rest of the population, with about 50 per cent of those born overseas in the prime working years (25–54) compared with 39 per cent of the Australian-born (NATSEM, 2010).

Australia currently has a high level of migration and the resultant population growth is a contributor to Australia's continuing economic growth. Twenty-eight per cent of Australia's population were born overseas (Australian Bureau of Statistics, 2016), the third highest proportion in OECD countries, behind Luxembourg and Switzerland (OECD, 2016).

Population growth through migration requires governments to plan for and invest in infrastructure, to meet the increase in demand for housing, schools, health services, public transport and roads. This issue was highlighted in the Productivity Commission Inquiry Report *Migrant Intake into Australia*, which recommended that:

In determining the migrant intake, the Australian Government should give greater consideration to the implications for planning and investment in infrastructure and state, territory and local governments' ability to select, fund, finance and manage these investments. (Productivity Commission, 2016, p.39)

The mix, coordination and extent of settlement services available and the effectiveness of these services in promoting better settlement outcomes for migrants

Mix and extent of settlement services

While immigration has been a central part of Australia for generations the emergence of settlement services is more recent and sits alongside the emergence of multiculturalism as an overarching narrative in Australia's policy response to diversity, integration and social and economic participation. In essence, multiculturalism underpinned a move towards supporting migrants to integrate and participate, and a move away from policy settings that placed the onus on migrants to assimilate.

Settlement programs work to harness and promote human capital; the strengths and capacities of the individual; and social capital – the connections and networks that are vital to civic, social and economic participation and wellbeing. These in turn are built on the critical foundation of rights afforded to Australian permanent residents which are essential to long-term settlement outcomes and integration. Settlement services provide the first steps in helping with community integration, civic participation and acculturation to a new life and help new migrants to navigate service systems.

Today, settlement services encompass targeted initiatives funded by the Australian Government and targeted initiatives of State and Territory Governments. These are complemented by universal services such as access to publicly funded education and health services, programs that assist with housing and employment and a wide range of safety nets that work to assist Australians, wherever they were born, to be supported and overcome difficulties.

The current mix of Australian Government settlement services is mainly provided to eligible family and humanitarian stream migrants. These include on-arrival services such as the Humanitarian Settlement Service (HSS) and Complex Case Support (CCS) program and the Settlement Services Program (SSP) which are delivered by non-government providers through the DSS. Eligibility for settlement services

is restricted to those who are newly arrived in the family and humanitarian streams, with eligibility of family stream migrants restricted to those who have poor English language proficiency. Skilled permanent migrants, who make up about two-thirds of the annual permanent intake, are ineligible for settlement services with some exceptions in spouse visa categories for those with poor English language proficiency settling in regional areas. In essence, settlement services are precluded from providing support to the majority of the migrant intake, even where settlement support may be warranted, due to eligibility criteria.

Settlement services eligibility is also time-limited to the first five years after arrival with more intensive supports initially for humanitarian entrants and less intensive support for humanitarian and eligible family stream migrants for up to five years. Temporary migrants, even those who are resident for extended periods, are not eligible for settlement supports nor universal services. Currently, almost half of the permanent immigration intake is comprised of temporary entrants who have already been resident for extended periods [Ref - Inquiry Report No. 77 Migrant Intake into Australia, Overview and Recommendations. Productivity Commission. P4] without any settlement support.

Other critical investments in settlement at a Commonwealth level include the Adult Migrant English Program (AMEP), the Translating and Interpreting Service (TIS) and targeted investments in health services such as the torture and trauma services in each jurisdiction. As with settlement services, these programs have similar eligibility restrictions and are mainly available to humanitarian entrants and eligible family migration stream migrants.

Investments at a Commonwealth level are also enhanced by targeted initiatives in many jurisdictions across a range of policy portfolio areas. For example, in NSW, 16 Intensive English Centres (IEC) provide English as a second language tuition to newly arrived high school-aged students with low English language proficiency. IECs also support orientation, settlement and welfare programs to prepare students for learning in a NSW government high school and to participate in Australian society. Similarly, the NSW Refugee Health Service provides a range of targeted initiatives to address the health and wellbeing of newly arrived refugees and support orientation and early intervention in the Australian health care system.

Providers of Commonwealth-funded settlement programs, many of which are not-for-profit organisations, provide vital co-ordination at the local level between settlement initiatives funded by the Commonwealth and States/Territories and broader mainstream services. An assessment carried out by the HSS of a newly arrived family from Syria will generally identify a range of needs, some of which will be able to be addressed by settlement services while others will require mainstream human services. Four years later, a family crisis may trigger a new assessment by the SSP to address a different set of issues that may require the intervention of a mainstream human service, with the SSP providing case coordination to navigate mainstream services and resolve the situation.

SSP providers also deliver a range of initiatives in local communities to build social participation and social cohesion. SSP providers deliver a range of community development and outreach projects and activities which connect people to the community, often with a special focus on youth, or the elderly, conversation classes, and learn-to-drive programs. Within the NSW Settlement Partnership, a consortium which delivers the SSP across NSW, SSI has established a specific innovation fund to encourage and test innovative service delivery across the 23 partner agencies.

Providers of Commonwealth-funded settlement programs also generally deliver a range of complementary services that do not fall within the funding parameters of government-funded programs. At SSI, the range of services we provide to add value to on-arrival settlement services include an arts and culture program, the Ignite Small Business Start-Ups initiative to help refugees establish their own business, a volunteer program and community engagement programs such as surfing, swimming and soccer. SSI has also established innovation partnerships with the private sector to enhance settlement outcomes. As an example, under a partnership with Allianz, each year refugees are offered permanent work placements to fast-track their career pathway in Australia and annual scholarships are offered to assist refugees to access tertiary education and training pathways. Collectively these initiatives enhance and extend the outcomes that can be achieved by funded on-arrival settlement programs.

Effectiveness of settlement services

Settlement services in Australia have been effective in promoting better outcomes for migrants. The evidence base for the effectiveness of settlement services and the outcomes they achieve has been developed at a range of levels and across a number of domains. At a policy level the recent Productivity Commission inquiry into the migrant intake concluded that the:

...current immigration system has generally served the interests of the broader community well. The key question is whether current policy settings are set to deliver the best outcomes for the Australian community over the longer term.(Productivity Commission, 2016, p.2)

The Productivity Commission made a number of recommendations to deliver stronger outcomes in the future and urged the Australian Government to ensure that:

... the primary objective of immigration ... is to maximise the economic, social and environmental wellbeing of the Australian community (existing Australian citizens and permanent residents) and their future offspring.(Productivity Commission, 2016, p.37)

At a community level, social cohesion and integration of migrants are long-term, high-level goals that are supported or hindered by wider social and cultural norms. While these high-level goals sit largely outside the direct influence of on-arrival settlement services, the evidence base indicates a strong shared understanding between migrants and the Australian-born about what they most value about Australia: the Australian way of life, freedom and democracy, and the standard of living (Markus, 2016).

Since 2007 Scanlon Foundation surveys with the broader Australian-born community consistently show very high levels of support, of around 80 per cent, for our diverse immigration program and multiculturalism (Markus, 2016). Among recently arrived migrants Scanlon Foundation surveys indicate a high sense of belonging to Australia, of optimism about their future, and a high level of trust in the institutions of Australian society such as the police, the health system, the courts and government departments (Markus, 2016). While there is some variation, these findings are largely consistent across visa categories, across different years of arrival, and consistent across the diverse cultural, linguistic and religious backgrounds of migrants.

At a program level, the effectiveness of on-arrival settlement services are continually being evaluated and refined to ensure that they are meeting program goals and objectives. In the past two years independent evaluations have been conducted of the HSS and CCS, the AMEP and the SSP (currently underway). The evaluation of the HSS and CCS, carried out by EY, found that both programs were largely achieving their goals and objectives and made a series of recommendations to achieve stronger, and more measurable settlement outcomes in relation to humanitarian entrants. These recommendations are currently being implemented by DSS and service providers in a co-design process for a new Humanitarian Settlement Program which will merge the functions of the HSS and CCS from July 2017.

At a sector level, settlement service providers through their peak body, the Settlement Council of Australia (SCOA), have progressed initiatives to improve the effectiveness of settlement services. The National Settlement Services Outcomes Standards, issued and disseminated in 2015, were developed after extensive consultations to guide quality improvement to achieve stronger outcomes in funded programs and ensure that unfunded initiatives are best placed to add value to settlement outcomes.

At a provider level, the effectiveness of settlement services are also being assessed. SSI recently commissioned an independent evaluation by the Centre for Health Service Development, University of Wollongong of its decentralised HSS service delivery model. The evaluation found that former HSS clients of SSI reported a successful start to their settlement journey, particularly where SSI had the most opportunity to influence outcomes such as finding housing, building social participation, the skills and knowledge to access essential services and confidence in the essential tasks of daily life (Samsa, Williams, Blanchard, & Fildes, 2016). The evaluation highlighted some areas of improvement including referral and coordination processes between SSI and other settlement programs and provides evidence for ongoing quality improvement of how we deliver our services (Samsa et al., 2016).

Overall, the effectiveness of settlement services is assessed at a number of levels so that the mix, coordination and extent of settlement services and the effectiveness of these services in promoting better settlement outcomes is continually reviewed and refinements made so that the social, economic and environmental dividend to Australia of the migrant intake is maximised.

National and international best practice strategies for improving migrant settlement outcomes and prospects

National and international best practice strategies point to the need for targeted settlement services, migrant access to universal services, and strong national coordination of settlement strategies. These strategies are in turn supported by clear pathways to full citizenship, equality in laws and strong legal protections from discrimination.

The most recognised international indicator of migrant settlement outcomes across countries is the Migrant Integration Policy Index (MIPEX). Thirty eight countries participate in MIPEX, made up of all European Union members, plus Australia, Canada, Iceland, Japan, New Zealand, South Korea, Switzerland and the United States. MIPEX is collated by the Barcelona Centre for International Affairs and the Migration Policy Group, with the Australian National University College of Law as the Australian partner (MIPEX, 2017).

Overall Australia performs well in international comparison, with scope for improvement in some areas. In 2014, in a collation of all MIPEX indicators, Australia was ranked 8 out of the 38 participating countries (MIPEX, 2017).

Settlement services

International best practice is for migrants to receive a range of targeted settlement services and supports on arrival and during the first few years of settlement. The level of settlement services provided should be determined by the differing needs, and is generally greater for humanitarian entrants than for skilled migrants. The range of settlement services provided according to need should include on-arrival accommodation and orientation, language training, information on services, systems and cultural norms, introduction to services, and support to enter the labour market.

Australia performs well in providing settlement services to humanitarian entrants through the HSS program, typically for a period of up to six months after arrival. Refugees and eligible family stream migrants receive further targeted settlement support as required for the first five years through the SSP.

There are restrictions on access to settlement services by skilled and family stream migrants. This issue is addressed in the later section.

Migrant access to universal services

The most significant strategies for improving migrants' long-term prospects are providing access to universal services and rights. The most important areas are access to employment, education, housing and health services.

Employment

Australia ranks in the mid-range, 19 out of 38 participating countries, in the MIPEX in relation to employment. Generally, Australia performs well in providing migrants with access to rights to employment on arrival. Australia's policy settings which could contribute to its relatively low score on labour market mobility include:

- A lack of co-ordination and significant red tape for the recognition of overseas qualifications and skills
- No targeted national programs for integration of migrants into the labour market
- No established national employment programs targeting migrant young people (apart from some welcome, and much needed, pilot programs such as the Youth Transitions Support Pilot Programme)
- Most migrants are unable to access social security income support during the first two years of residency (except Family Assistance payments).

Targeted programs which can work to improve employment outcomes include the recently announced NSW Government initiative to provide employment support to recently arrived refugees. The Refugee Employment Support Program (RESP), which is scheduled to commence in April 2017, will support up to 7,000 refugees and 1,000 asylum seekers and temporary protection visa holders, to find sustainable and skilled employment. The RESP is part of a co-ordinated response led by the NSW Government, in

partnership with non-government organisations, to the settlement of Syrian and Iraqi refugees, and has support from major corporate partners including AMP, Australia Post, ClubsNSW, Harvey Norman, Westpac and Woolworths. Once implemented and evaluated the RESP could provide a useful template for migrant and refugee programs at a national level.

Education

National and international best practice is for all children of migrants to have equal access to schools and education, to support strong education outcomes and future employment prospects. Schools are also settings through which children and their parents can build social participation and integration with the broader community.

Australia ranks very highly against the MIPEx, scoring at number 2 out of 38 countries, in relation to education and is a world leader in this area. Australia's high ranking is underpinned by a range of policy settings including:

- The children of all migrants and humanitarian entrants have equal access to schools and tertiary education
- English as Second language (ESL) programs are available in schools to support children who have language needs in many States/Territories
- Australian education systems generally promote the benefits of cultural and language diversity within schools and tertiary institutions.

Housing

In terms of housing, best practice is for all migrants to access appropriate and affordable accommodation as soon as possible after arrival. There is no MIPEx indicator on this policy area for international comparison.

Australia demonstrates good practice in housing for humanitarian entrants, through the HSS which provides on-arrival accommodation and then supports transition to long-term (usually private rental) accommodation. The first wave of data from *Building a New Life in Australia*, a longitudinal study of newly arrived refugees, has found that three quarters of respondents found it hard or very hard to find housing, most commonly because of housing costs, language difficulties and lack of rental references. (Jenkinson, Silbert, De Maio, & Edwards, 2016)

All migrants have legal access to private rental accommodation and home purchase. However, housing affordability is a significant issue for migrants and for the broader community, particularly in the major cities where most new migrants live and where there are often better employment opportunities. The lack of affordable housing, particularly in cities, often results in newly arrived migrants, especially those outside of the skilled stream, needing to move to suburbs on the outer fringes where rents are more affordable. These same locations are often those with the highest rates of unemployment, the longest distance to employment hubs, and poorest public transport infrastructure, all of which compound the barriers they face in getting a foothold in the labour market.

Efforts by the Australian Government and States/Territories to improve housing affordability have potential to improve migrants' access to affordable and appropriate housing during the period of settlement and deliver flow-on benefits in areas such as employment.

Health

National and international best practice is for migrants to have equal access to health services, that health services make adaptations to be more culturally responsive to migrants and that policy settings and strategies which are developed by governments take into account the cultural and linguistic diversity of the population.

As with education, Australia has been a world leader in establishing best practice in migrant health, scoring 4 out of 38 countries on MIPEX in the area of health. This high score is driven by settings in Australia's national and state health systems including:

- Providing all permanent migrants with access to Medicare, Pharmaceutical Benefits Scheme and publicly funded health services
- Adapting health services to be responsive to the needs of culturally diverse clients, through use of interpreters and procedures and training for staff on culturally responsive practice
- Having targeted programs such as torture and trauma services, transcultural mental health services and refugee health services.

Coordination of settlement strategies

Best practice for implementing effective settlement strategies is that programs be coordinated at the national level through to delivery at the local level. For example, Sweden has the highest overall score under MIPEX for migrant settlement outcomes and in recent years has moved responsibility for integration of migrants from local municipalities to a national government agency (OECD, 2014).

Arguably, Australia has some inherent weaknesses in relation to mechanisms to coordinate settlement strategies especially at the intergovernmental level. While there are relevant advisory structures including the Settlement Services Advisory Council, the Australian Multicultural Council and the intergovernmental Senior Officials Settlement Outcomes Group (SOSOG), a gap, until now, has been an agreed framework to guide settlement coordination at the national and intergovernmental level.

The National Settlement Framework, released in November 2016, by the Commonwealth Government is a step to address this important gap. Under the lead of DSS, the framework will support governments to "make planning decisions on the provision of settlement and support services and to deliver coordinated client-centric services, informed by research and evaluation and states that:

Effective service delivery ensures that migrants and new arrivals are readily able to access the relevant services for their circumstances and needs from mainstream services and specialist settlement services, in order to fully participate in Australian society. (p.5)

Oversight of the Framework will rest with the SOSOG, with representation from relevant Commonwealth departments, State and Territory Governments and the Australian Local Government Association. This initiative is in line with international best practice to drive better coordination of settlement services and enhance migrant outcomes across Australia.

Similarly, improving coordination has been at the heart of the NSW Government response to the extra intake of Syrian refugees. The then NSW Premier Mike Baird appointed Professor Peter Shergold as NSW Coordinator General of Refugee Settlement, to assist in settling refugees by working across all levels of government, the non-government sector and corporate sectors. The initiative has been resourced through the NSW Department of Premier and Cabinet and the coordinated strategy has already had a significant impact on refugee settlement planning in NSW. For example, during 2016 Registered Clubs in NSW have committed to provide refugees with training and job opportunities, NSW universities committed to providing scholarships and financial assistance, and regional councils held a roundtable on settlement, along with the announcement of additional targeted initiatives such as the Refugee Employment Support Program.

Pathways to citizenship

Citizenship provides migrants with legal rights and responsibilities and security of residence. Citizenship also requires migrants to make a permanent commitment to their adopted country and the obligations of citizenship, and this commitment supports migrants to make long-term plans for settlement and integration in a new community. Countries which restrict permanent residents from becoming citizens essentially set up a two-tier system of citizens and permanent residents, where some have lesser legal rights than others. This is a barrier to migrants achieving full acceptance and integration in their adopted country.

Australia scores highly on pathways to citizenship under MIPEX, ranking 5 out of 38 countries. The reasons for this high ranking are likely to be because in Australia:

- All migrants who are permanent residents are entitled and encouraged to become citizens after an appropriate waiting period
- Migrants' children who are born in Australia automatically have Australian citizenship, if at least one parent is an Australian permanent resident
- Current citizenship tests are appropriate and not an undue barrier to citizenship
- Australian citizenship cannot be simply removed, and so is secure once granted
- Australian citizens can hold citizenship of a second country in particular circumstances.

Anti-discrimination

In order to settle successfully and fully participate in the economy and society of their adopted country, it is important that migrants are not limited by discrimination due to their race, ethnicity or religion. Discrimination or vilification can potentially affect migrants' access to employment and services, their sense of security and acceptance by the broader society.

Societies can reduce the risk of discrimination through effective discrimination laws, government policies which recognise that residents and citizens have a right to maintain their diverse cultural identities, and public support for non-discrimination by government and community leaders.

Australia is ranked moderately at 13 out of 38 participating countries regarding anti-discrimination policy settings in MIPEX. The positive measures which Australia has in place are:

- National and state anti-discrimination legislation which covers all residents
- Legal mechanisms for victims of discrimination to bring forward a complaint and have redress

- A human rights commission which has oversight of anti-discrimination legislation and State and Territory statutory authorities
- Formal commitments by the national and state governments to a multicultural society and non-discrimination in access to services.

Some migrants in Australia do experience prejudice and exclusion in their interactions in the workplace and community, and through public statements made on mainstream and social media. Consistent with international best practice, where this occurs there is a clear process under the Racial Discrimination Act (RDA) for complaints of discrimination to be handled by the Australian Human Rights Commission (AHRC). Where there are reasonable grounds for complaint under the legislation, the majority of matters are resolved through conciliation and relatively few cases proceed through to court procedures.

In SSI's submission to the recent Inquiry into Freedom of Speech we argued that the current provisions of the RDA are part of a suite of responses that support settlement outcomes and integration. For the people who are considering coming to Australia as workers, students or tourists, the perceptions of personal safety and tolerance are as important as the reality and influence decisions which impact on Australia's economy and society. The RDA and the statutory responsibilities of the AHRC have an important role to help protect migrants and others against racial vilification, and send a message that such behaviour is not supported by the broader Australian society nor by our lawmakers.

The importance of English language ability on a migrant's or prospective migrant's settlement outcomes

English language proficiency is an important factor in the successful settlement of migrants and has been an implied criterion of Australia's immigration program for generations. The roots of dedicated English language learning in the settlement area is more recent from the end of World War II. The emergence of multiculturalism as an overarching narrative in Australia's policy response to diversity, integration and social and economic participation helped to reframe the opportunities presented to Australia by bilingual and bicultural migrants. English language proficiency can be acquired and the bilingual capacity of prospective migrants is an asset for Australia that is still often under-utilised or overlooked.

The English as a Second Language program offered under the AMEP has evolved with improvements including the development of targeted initiatives such as the Skills for Education and Employment (SEE) and improvements in overall program outcomes. Access and eligibility criteria have also evolved and many previous waves of migrants who filled skills gaps in the labour market (e.g. Italians and Greeks in the 1950s and 1960s) had little or no access to English language learning yet have brought immeasurable social and economic benefits to Australia.

That said, English language acquisition for new migrants is an enabler of independence and social and economic participation. In the workplace it enables better paid and more meaningful work. In the community it enables wider social contacts and integration and mitigates against isolation. Therefore we need to continually look at ways to improve access to English language learning for new migrants

within dedicated settlement initiatives such as the AMEP and across broader settlement services. This means looking at ways to improve access and flexibility to the AMEP for those migrants that need it.

Newly arrived migrants consistently nominate a desire to improve their English as one of their top priorities for starting a new life in Australia. However, for the individual migrant, English language learning may not be the highest priority on arrival as they balance other competing demands such as employment, training and education, caring responsibilities and other commitments.

Currently eligibility for free English language learning is restricted to humanitarian entrants and permanent migrants with low English proficiency, and some temporary migrants, mostly those who settle in regional areas. There are a number of additional requirements including registering for AMEP within 3 or 6 months, commencing tuition within 12 months, and completing it within 5 years of arrival. An increasing proportion of the permanent migrant intake each year is now made up of temporary migrants who have been resident in Australia for many years (typically up to 4 years) usually as skilled temporary workers or as international students. It is vital that if temporary residents have low English proficiency when they gain permanent residency that there are pathways in place for them to access the AMEP.

The importance of English language proficiency on prospective migrants' settlement outcomes is less easy to ascertain. English language proficiency has relevance to the skilled migration stream for prospective migrants as, by definition, primary applicants are filling a gap in the Australian labour market and are generally sponsored to fill that gap on arrival. Current temporary and permanent skilled migration policy settings largely already reflects this. Unsurprisingly modelling has found that permanent and temporary skilled migrants deliver the most immediate economic dividend to Australia in terms of labour participation, productivity and population (Migration Council of Australia, 2015).

Policy settings in the family stream and the humanitarian streams are less guided by criteria around English language proficiency. Here the policy settings are not simply guided by an immediate economic benefit but by wider social and humanitarian considerations. Settlement services already work to complement the work of the AMEP. For example, SSP providers, who work mainly with family stream migrants and humanitarian entrants, often provide English language conversation groups as a supplement to formal English language classes. Language acquisition can be hampered by pre-arrival experiences, so an informal open-ended opportunity to practice and strengthen English can be important.

In SSI's experience, family stream migrants and humanitarian entrants can and do make an economic contribution to Australia even in situations where their English language proficiency was poor on arrival in Australia. This is also borne out in research which shows that over time there is a convergence of labour market outcomes for refugees and, by the second generation, employment outcomes for both men and women from refugee backgrounds are higher than for the Australian-born (Correa-Velez, Barnett, & Gifford, 2013; Hugo, 2013). This has been highlighted by the OECD as evidence of the long-term economic dividend of Australia's focus on settlement and integration of migrants and refugees (Liebig, 2007). English language proficiency which can be acquired after arrival in Australia is just one element that may contribute to settlement outcomes across social and economic participation, independence and wellbeing.

Whether current migration processes adequately assess a prospective migrant's settlement prospects

Predictors of settlement outcomes

Current Australian migration processes and visa eligibility criteria have a range of features designed to select prospective migrants so that they can achieve strong settlement outcomes. While these processes have value, there are significant limitations on what can be predicted prior to arrival in Australia. In SSI's experience, newly arrived migrants and refugees who have access to opportunities and support after arrival, including through targeted settlement services and universal services, can and do achieve strong settlement outcomes and make a contribution to Australia.

Australia's history includes the stories of people from refugee backgrounds, or with poor English language skills, who migrated and made significant contributions to Australia including:

- Harry Triguboff, billionaire founder of Meriton Apartments, born in China to Russian refugee parents
- The thousands of post-war migrants and refugees from Europe, who built the Snowy Mountains Scheme of hydroelectric power stations and irrigation
- Tan Le, who left Vietnam by boat at the age of four. She is a pioneer in providing technology and telecommunication carriers, co-founded SASme and set up software company Emotiv.
- Zhenya Tsuetnenko, Russian born IT entrepreneur, who arrived in Perth, aged 12, speaking little English.

They all clearly had personal abilities and skills, but these were not pre-determined before their arrival in Australia, and prescriptive assessments of their settlement prospects would likely have prevented their migration.

The different migration streams - skilled, family and humanitarian - all have different overarching goals which impact on assessments and screening processes. The skilled and family streams have social and economic goals while the humanitarian stream, which is far smaller, is guided by humanitarian considerations. There are some processes that are common to all streams including health assessments, criminal records checks and other character checks.

The skilled stream has additional assessment criteria in relation to the prospective migrant's capacity to add value to the Australian labour market. Family stream migrants, who are usually the spouses of Australian residents, are often assessed in terms of the strength of their relationship to that Australian resident. Temporary residents who apply under these two streams for permanent residency are subject to similar assessment criteria.

Other related matters

Settlement services for migrants

Currently Commonwealth funded settlement services under the SSP are available to all humanitarian entrants, but only some migrants. Under the family stream, only the spouses of Australian residents, where the spouse has a low level of proficiency in English, can access SSP. In the skilled migrant stream,

SSP can only be accessed by the spouse of the primary visa holder, where the spouse has low English proficiency and lives in a regional area.

The significant majority of skilled migrants are unlikely to require settlement services. However, a minority of skilled and family stream migrants have individual circumstances or changes to circumstances where access to SSP would produce substantial long-term benefit.

The Productivity Commission Inquiry on Migrant Intake into Australia examined this issue and noted that the DSS is moving to an investment approach to the provision of support, and that:

The investment approach adopted by the DSS provides the right framework for considering the extent of services that provide a net benefit to the broader community as well as the new immigrant. (Productivity Commission, 2016, p.284)

The Productivity Commission noted that some migrants may require an orientation program similar to that provided in Canada, some may only need assistance with accessing the labour market, while others may need a more comprehensive set of services. The Commission recommended that:

The Australian Government should review the mix, extent and coordination of settlement services (including English-language training and employment services) for all permanent immigrants with the aim of improving their labour market and social engagement outcomes. (Productivity Commission, 2016, p.40)

SSI supports the Productivity Commission's approach on this matter and recommends that migrants be granted access to SSP by exception, where referral by a service provider and assessment determines that settlement support is required due to exceptional personal circumstances or a change to individual circumstances. The Australian Government already has models for recognising and responding to exceptional changes in personal circumstances in relation to income support. For example, a migrant who is on a spouse visa can receive benefits within the two-year waiting period where they are the victim of family violence by their sponsor. The Australian Government should give consideration to provide eligibility to SSP by migrants in similar exceptional circumstances.

Settlement support for temporary entrants

The majority of temporary residents, including holders of the Temporary Skilled Visa (457) and Overseas Student Visa, will not become permanent residents and do not have access to settlement support or most universal services.

However, approximately half of the people granted permanent residency transition to this from being a temporary resident in Australia (Productivity Commission, 2016).

The lack of settlement support to temporary entrants can contribute to poor settlement outcomes in the longer term. For example, a temporary entrant may be exposed to exploitation in the workplace due to a lack of knowledge of entitlements, their skill level or temporary residency status. Without support or information, that person may remain in similar exploitative work conditions after gaining permanent residency.

The Australian Government should give consideration to this disconnect between the reality of current settlement pathways from temporary to permanent residency and settlement services. As with all migrants, most people transitioning from temporary to permanent residency will not require settlement services. However, there is value in providing access to SSP by exception due to individual or changed circumstance, for people transitioning from temporary to permanent residency, as outlined in the previous section on settlement services for migrants.

Social engagement of young migrants

This Inquiry's terms of reference note that:

The committee shall give particular consideration to social engagement of young migrants, including involvement of youth migrants in anti-social behaviour such as gang activity, and the adequacy of the Migration Act 1958 character test provisions as a means to address issues arising from this behaviour.

Peer support groups and youth subcultures

Throughout Australia's modern history young people have formed peer support networks and many of these have adopted youth subcultures connected to popular music, and/or dance and/or a type of dress. In Australia and overseas examples of youth subcultures have included bodgies, beatniks, mods, hippies, surfies, and more recently subcultures involving hip hop, rap and other music genres. Youth subcultures can be culturally mixed or predominantly from one ethnic group. It should be noted that youth subcultures of themselves do not equate with people who are involved in anti-social behaviour. However, in situations where young people feel excluded, they are more likely to become disengaged from school or education and seek peer support outside these settings from other young people who have similar experiences. These kinds of networks of disenfranchised young people can be contexts in which there is a higher risk of anti-social behaviour. In SSI's experience, the key to addressing the risk of this kind of behaviour is early intervention strategies to engage young people.

Engagement in educational settings

There are issues of potential disadvantage and discrimination which can affect the education and social engagement of some young people whose parents are migrants and refugees. These issues can be identified and addressed through schools and other education settings.

Strategies and programs have been developed which emphasise making schools more welcoming and inclusive for migrant students and their parents, supporting young migrants within the education system, and including their parents in school life and their children's education.

Elements of this approach can be found in the National Community Hubs Program, supported by DSS and the Scanlon Foundation, which most commonly involves primary schools. SSI is a partner in the National Community Hubs Program in NSW. For example, in Chester Hill Public School in western Sydney, the community hubs work with migrant and refugee women and pre-school children, providing information and services around education, health and settlement, and involving parents with the school.

High schools have also used this model of involvement. Fairfield Public High School in south-western Sydney has a range of programs which actively engage newly arrived students and their parents which is encapsulated in the school's vision:

At Fairfield High School we are committed to developing active, productive and informed citizens and leaders. Students from various backgrounds feel welcome and safe in this multicultural, coeducational learning community.

There is a focus on the school being a safe and welcoming place for recently arrived migrants and their children, and supporting these children to better engage with school work and achieve strong education and social outcomes.

Programs for students at Fairfield High School include:

- an IEC which develops English language skills for newly arrived students and prepares them for high school;
- a homework centre where staff support students in completing homework;
- a mentoring program where high school refugee students provide voluntary mentoring in literacy and numeracy to primary school refugee students.

In addition, the school has a Parents' Café, which engages newly arrived parents in the school system and enables them to better support their children's education. Activities for parents include learning English, computer courses, a community garden and a catering social enterprise.

At the Commonwealth level, the current Youth Transition Support Pilot Programme which for young refugees and other vulnerable young migrants is another example of a targeted engagement initiative. The four pilot components work around employment, vocational training and work experience, strong supports to stay in education and training and using sport as an explicit engagement strategy.

All of these engagement initiative are positive, targeted approaches to improving social and educational outcomes of vulnerable newly arrived young migrants and refugees, and vulnerable Australian-born children of migrants.

The Migration Act 1958 character test

The Migration Act 1958 has provision for the cancellation of the visa of any non-citizen on character grounds, where the person has been sentenced to prison for a term of twelve months or more. The Australian government has made use of this provision in recent years, most notably with regard to New Zealand citizens who have served a prison sentence while resident in Australia.

Therefore the Migration Act currently provides the government with the option to deny residency to non-citizens who engage in serious crime. While there are localised and individual examples of anti-social and potentially criminal behaviour among some young people, the current provisions to cancel visas would seem to be proportionate and appropriate to safeguard Australia's national interests.

Conclusion

Australia is often described as a country of immigrants and our success as a nation is often attributed to how we have harnessed our cultural diversity and migration to maximise social, economic and civic participation. Settlement services are part of this success and have continually been evaluated and refined to deliver strong settlement outcomes and contribute towards the long-term, multi-dimensional and two-way process of integration. The current Inquiry is another step in this review cycle to highlight what we are doing well in settlement and integration and where refinements and adjustments can be made to deliver even stronger outcomes for Australia.

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