AUSTRALIAN COUNCIL OF TESOL ASSOCIATIONS

SUBMISSION TO

THE JOINT STANDING COMMITTEE ON MIGRATION

INQUIRY INTO MIGRANT SETTLEMENT OUTCOMES

May 2017

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Abbreviations

ACARA	Australian Curriculum, Assessment and Reporting Authority
ACSF	Australian Core Skills Framework
ACTA	Australian Council of TESOL Associations
ACER	Australian Council for Educational Research
AIFS	Australian Institute for Family Studies
AITSL	Australian Institute for Teaching and School Leadership
AMEP	Adult Migrant English Program
AMES	Adult Migrant Education Services
APST	Australian Professional Standards for Teachers
ASRG	Australian Survey Research Group
BICS	Basic Interpersonal Skills
CALD	Culturally and Linguistically Diverse Backgrounds
CALP	Cognitive Academic Language Proficiency
CPD	Centre for Policy Development
CSWE	Certificates in Spoken and Written English
CUP	Common Underlying Proficiency
DET	Department of Education and Training
DIAC	Department of Immigration and Citizenship
EAL	English as an Additional Language
EAL/D	English as an Additional Language or Dialect
ECEC	Early Childhood Education and Care
ELL	English Language Learner
ELP	English language proficiency
EMT	English mother tongue
ESL	English as a Second Language
FECCA	Federation of Ethnic Communities' Councils of Australia
HSS	Humanitarian Settlement Services
IEC	Intensive English Centre
IELTS	International English Language Testing System
ILTA	International Language Testing Association

ISLPR	International Second Language Proficiency Rating Scale
JSCM	Joint Standing Committee on Migration
KLA	Key Learning Area
KPI	Key Performance Indictor
LBOTE	Language backgrounds other than English
LLN	Language, Literacy & Numeracy
MCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs
MRC	Migrant Resource Centre
MYAN	Multicultural Youth Advocacy Network
NAPLAN	National Assessment Program – Literacy and Numeracy
NEA	National Education Agreements
NEAS	National English Language Teaching Accreditation Scheme
NQF	National Quality Framework (for Early Childhood Education & Care)
NQS	National Quality Standards (for the National Settlement Framework)
NSF	National Settlement Framework
NYSF	National Youth Settlement Framework
PD	Professional Development
RAM	Resource Allocation Mechanism
RFT	Request for Tender (for the Adult Migrant English Program and the Skills for Education & Employment Program)
SAE	Standard Australian English
SEE	Skills for Education and Employment (Program)
SLPET	Settlement Language Pathways to Employment and Training
SOSOG	Senior Officials Settlement Outcomes Group (overseeing the NSF)
SPP	Special Preparatory Program
TAFE	Technical and Further Education
TESOL	Teaching English to Speakers of Other Languages
TOEFL	Test of English as a Foreign Language
VCAA	Victorian Curriculum and Education Authority
VCE	Victorian Certificate in Education
VET	Vocational Education and Training
YAMEC	Young Adult Migrant English Course (at Melbourne Polytechnic).

Executive Summary

Sections 1 & 2:

ACTA SUBMISSION FOCUS, TERMINOLOGY AND UNDERLYING ASSUMPTIONS

1. The Australian Council of TESOL Associations (ACTA) welcomes the opportunity to contribute to the Inquiry into migrant settlement outcomes. We also welcome the framing of its "particular consideration" of anti-social behaviour by migrant-background youth in the wider context of settlement services and the importance of English.

2. ACTA's submission is focussed on **the provision of English language and related tuition across the educational spectrum**: adults, pre-school and school children. Given that academic failure is a major risk factor for anti-social behaviour, we include specific focus on refugee youth whose formal education was highly disrupted, minimal or non-existent prior to their arrival in Australia.

3. ACTA prefers the terminology **migrant-background youth** to "youth migrants", because it more accurately describes their experiences and situation. Moreover, although migration is part of these young people's history, at least some (maybe all) of those under consideration by this Inquiry will have lived in Australia for much of their lives. Designating them as "migrants" marks them as outsiders and "different" – people who do not belong here. In itself, this labelling contributes to their alienation, which research has consistently demonstrated is a prime cause of anti-social behaviour (section 7).

4. It is unclear to us whether the Inquiry's consideration also includes children born here to parents who migrated to Australia.

5. The term **proficiency** is preferred when discussing language "levels" judged against a norm. "Ability" has a more open-ended meaning and also implies individual qualities: many learners with low English proficiency use the language with considerable ability.

6. ACTA commends to the Inquiry the evidence-based distinction between **systemic** and **life outcomes**. Rigorous statistical modelling has shown that systemic outcomes are *not* nominated by migrants as contributing to life outcomes. *Systemic* outcomes are those **nominated by governments, systems and administrative bodies** as the basis of successful settlement, for example, learning English, succeeding educationally and/or gaining employment. *Life* outcomes are those **nominated by migrants themselves** as contributing to feeling comfortable living in Australia, for example, feeling connected, happy and confident about their life here. For this Inquiry, the implication is that governments and other agencies in pursuit of positive *systemic* outcomes must address the factors contributing to what migrants see as positive *life* outcomes. In regard to migrant-background youth, policies to avert antisocial behaviour must take on board that, once young people (from *any* background) have been alienated from (or rejected by) the "system", "anti-social behaviour" in the eyes of mainstream society offers them another pathway into feeling connected.

7. Simple answers to the question **"how long does it take to learn English?"** do not exist, because the factors contributing to learning another language are diverse and variable, as are also the goals in learning it. For example, the research is unequivocal that literacy in a child's home language contributes significantly to high achievement in English and other school subjects, although in early stages the second language may develop somewhat more slowly. Pre-school support for the home language, together with an introduction to English, sets **young children** on a positive and rapid learning trajectory, while those who lack this experience are at a clear disadvantage. Although **children and adolescents** generally learn conversational English quickly, conversational fluency often masks low proficiency in complex oral and written English. **Older children** from non-English speaking countries can take five to seven years to reach age-peer norms across the curriculum. Recent research suggests it may take even longer – up to 9 years – for those with limited/no previous formal schooling. For **adults**, a myriad of contextual, educational and personal factors mean that the question is better posed in relation to the educational and employment goals of the individual or groups concerned.

8. However, two matters are clear. First, **previous level of education and literacy** have a major impact on the rate at which a person learns another language. Second, t**he 510 hours tuition entitlement** in the Adult Migrant English Program (AMEP) for new arrivals with less than "functional" English has no basis in language learning research. The historical record documents that it was established entirely for policy reasons. Evidence from the program itself and from language learning research is clear that the amount of time allowed is totally inadequate for eligible learners to gain adequate proficiency in English.

Sections 3 & 4:
EFFECTIVENESS AND BEST PRACTICE IN THE PROVISION OF ENGLISH LANGUAGE AND RELATED TUITION

9. ACTA believes that the *National Settlement Framework* (NSF) and the *National Outcomes Statements* provide a sound basis for assessing the effectiveness of settlement services. However, we are concerned that:

    i. the Senior Officials Settlement Outcomes Group (SOSOG) does not appear to include representation from (or effective management lines to) those responsible for English language provision in the pre-school, school and adult education sectors
    ii. the NSF lacks focus on provision for children and infants.

10. There is **no shortage of knowledge and examples of outstanding practice** to promote positive outcomes for learners of English as an additional language (EAL/D) at all levels and for all ages (infants, children, adults, and adolescents with minimal/no previous education). Since the 1970s, Australian EAL/D educators have been international leaders in developing programs, curriculum, teaching materials and techniques, assessment tools, and research in their field.

11. The challenges currently faced in Australia are to:

    i. extend that knowledge and best practice to where it is needed, and
    ii. deal with the issues listed below that are undermining best practice and its knowledge base.

EARLY CHILDHOOD EDUCATION AND CARE (ECEC)
Sections 3.3 & 4.1

12. Given that access to quality ECEC is now recognised as a significant contributor to children's success in school, as well as to parents'/carers' access to training and employment, a serious concern is that **migrant and refugee families have significantly less access to ECEC** than the general population.

13. The main barriers are:

    i. lack of information
    ii. cross-cultural and linguistic issues, and
    iii. insufficient financial support**.**

14. The various **agencies that provide settlement advice and assistance** to migrants and humanitarian entrants (pre-embarkation advisors, Humanitarian Settlement Services, community-based advisors, Migrant Resource Centres, English language providers, AMEP child care providers, and Community Hubs) need to collaborate more closely with the **Australian Children's Education and Care Authority** in developing more effective strategies for reaching migrant and refugee families, especially mothers/carers with limited/no literacy in any language.

15. ECEC providers require **professional development** on the excellent resources now available for making families feel welcome, supporting children's home languages and introducing them to English.

SCHOOLS
Sections 3.4 & 4.2

16. English language and related provision for migrant-background children and youth in schools **has deteriorated significantly**, and in some places disappeared, in the wake of:

    i. the erosion and eventual abandonment of **tied Commonwealth grants** for English as an additional language EAL/D programs, and
    ii. the **devolution of decision-making** on budget allocations to schools.

17. It is now **impossible to monitor the use of Commonwealth and State/Territory funding** to support learning English as an additional language in schools.

18. It is also **impossible to monitor how EAL/D learners are faring in schools Australia-wide**, because there is no nationally agreed and consistent means of identifying them.

19. The identifiers *Language Background Other Than English (LBOTE)* and *Disadvantaged LBOTE* are fundamentally flawed in identifying English language learners because:

i. The LBOTE identifier includes **fully bilingual students/familie**s and **children with no need of support** for English language learning because they at or above age-appropriate norms for proficiency in English

ii. The Disadvantaged LBOTE identifier **captures low socio-economic status** (SES) students and only randomly identifies students needing support in learning English

iii. NAPLAN testing identifies English language learners as **having literacy problems**. Some learners have literacy problems but others do not because they are fully literate in another language. In any case, literacy interventions designed for English mother tongue speakers are inappropriate and likely to be counter-productive, because they assume native proficiency in oral English.

20. ACTA supports the work of the Australian Curriculum & Assessment Authority (ACARA) in developing the *EAL/D Learning Progression*, and further work relating this framework to various State/Territory English proficiency assessment tools. We believe that **completion, national acceptance and adoption of the *National Framework for Assessing English Language Proficiency* is a matter of urgency** if credible reporting on EAL/D learners and associated funding is to occur.

21. ACTA has conducted two national surveys of our members in 2014 and 2016. From these, we conclude that **provision for EAL/D learners in schools is currently in crisis and a matter of chance,** because it depends entirely on individual principals' knowledge, interests, priorities, leadership skills, and ability to manage financial and in-house pressures. We regret to report that some schools enrol newly arrived EAL/D learners in order to gain the additional funding they bring but divert this funding to completely different purposes (e.g. to improve the school driveway).

ADULTS
Sections 3.5 & 4.3

22. English language provision for adult migrants is **fragmented and disjointed**. No clear "centre of gravity" exists for developing policy, programs, pathways, eligibility, delivery, professional development, advice and referrals, cost-effective collaboration between providers, assessment of learner outcomes, and accountability and transparency in the public domain. It is impossible to come up with any kind of map of programs and pathways in any one locality, much less nationally.

23. The **2017-2020 contracts for the Adult Migrant English Program (AMEP)** create further fragmentation, have significantly disrupted provision in Melbourne, confuse program goals and partly duplicate the role of Community Hubs. For some learners, the quality of tuition has been downgraded. Questions asked in Senate Estimates about these changes have met with prevarication and misleading answers from departmental officials.

24. The 2017-2020 AMEP contracts do not address substantive issues raised by the 2015 ACIL Allen Review, notably:

    i. the **lack of coordination between the AMEP and the Skills for Education and Employment (SEE) Program**, which is the supposed onward pathway from the AMEP for job-seekers, and
    ii. **assessment and reporting** that is valid and reliable for learners of English as an additional language, but also is translatable into on-going training pathways.

25. The **current method of contracting** is inefficient, not transparent, increases fragmentation and dislocation, and conceals substantive costs in time lost and disruption to provision. ACTA proposes a more efficient and cost effective procedure, based on contemporary approaches to risk management (see Recommendation 9 (v)).

26. The history and management culture of the Commonwealth Department of Education and Training in its approach to English language programs for migrants do not inspire ACTA's confidence. Despite this history, we welcome **the co-location of the AMEP and SEE Program** in a department that has responsibility for education and training in other sectors. We hope that **a new policy-making "centre of gravity" for English language provision** can be formed in the Education Department, which continues and develops the best elements of the AMEP and addresses the problems we detail in this submission. However, the contracts awarded for 2017-2020 provide no grounds for this hope.

27. A **cross-sector locality-specific mapping exercise** of English and related provision for adults is urgently needed and would greatly assist policy makers, advisors and migrants themselves. This mapping should be the first step in a comprehensive review of English and related provision that **identifies gaps, lack of coordination and blocked pathways**.

REFUGEE YOUTH WITH HIGHLY DISRUPTED/MINIMAL/NO PREVIOUS EDUCATION
Sections 3.6 & 4.4

28. Youth who have arrived in Australia with highly disrupted/minimal/no previous formal education face considerable challenges. However, their **high motivation and energy** should not be underestimated. It can be capitalised upon to achieve positive settlement outcomes or frustrated to become the basis of anti-social behaviours (see 31 below).

29. These youth require **programs specifically tailored to meeting their needs**. Such programs fully integrate learning English, literacy and "learning how to learn" with:

    i. **basic content**: school-based knowledge, settlement information, life skills and healthy living, intercultural knowledge and skills, sport and recreation, consumer and legal issues
    ii. the **personal, organisational and intellectual skills** that formal schooling teaches
    iii. teaching that is responsive to their **physical, emotional and social stage of life** as adolescents, and the likelihood that they have experienced extreme trauma
    iv. **staged bridging programs and pathways** into mainstream education and training.

30. Refugee youth **report huge frustration** in regard to:

    i. understanding the Australian education system and how to find pathways through it
    ii. transitioning out of intensive English programs into suitable programs
    iii. being placed in classes in school according to their age rather than their level of knowledge
    iv. racism and bullying.

31. This frustration can easily turn to **alienation and educational failure**, both of which are major risk factors in developing anti-social behaviour (see 49 below). Young men especially are vulnerable to seeking outlets for their energies, aspirations and emotions in gangs.

32. The **age-based Year levels** in Australian schools makes suitable provision for these youth is a major challenge, although ACTA is aware of at least one school in Sydney that exemplifies what is possible. However, we also know that some schools accept these young people in order to gain the funding attached to their enrolment when it is clear that they cannot support them adequately (see paras. 21 and 30 (iii) above.)

33. **AMEP and TAFE providers** have greater potential than schools for flexibility and creating pathways. In Melbourne, Adult Migrant English Services (AMES) Australia and the Melbourne Polytechnic are examples where this potential has been utilised at an exemplary level. ACTA lacks information about other examples, although we suspect they exist. We hope the Inquiry can investigate the extent to which such programs operate in other localities and recommend on how:

    i. this provision can be **extended and stabilised**
    ii. **accurate advice** about these programs can better reach young people, their families and their communities
    iii. **regulations that prevent 15-17 year olds** from accessing such programs can be changed.

34. As we finalised this submission, the 2017-2020 AMEP contracts were announced. AMES Australia (just mentioned in para. 33 above) has lost their AMEP contract in metropolitan Melbourne. Consequently, probably **the most comprehensive program for refugee youth with minimal/no previous schooling in Australia will terminate this June**. The termination of this exemplary program, built up over more than years, is a prime example of the problems to which we refer in paras. 22-26 above. ACTA deplores this development.

Section 5:
ENGLISH AND PROSPECTIVE MIGRANT OUTCOMES

35. Extensive evidence, including studies based on data from the Australian Bureau of Statistics, shows that **low proficiency in English *on arrival* has *no* bearing on settlement outcomes** (for children or adults) from either a systemic or life outcome perspective. Further, **the English of *all* migrants improves** according to time spent in Australia. It follows that English proficiency should never be a criterion for selecting migrants in any stream except the Skilled Migration stream.

36. Those eligible for the AMEP (i.e. new arrivals with very low/no proficiency in English) find it difficult to gain employment on exiting the AMEP, especially in **jobs commensurate with their previous type of work**. Migrants in programs that integrate on-going English learning with training have **demonstrably better employment outcomes**. It follows that a greater investment in English language provision, especially if linked to bridging courses, would enhance migrants' settlement outcomes.

37. Low literacy skills and low levels of previous education are predictive of difficulty in achieving intermediate to high proficiency in English, especially written English. However, ACTA is **thoroughly opposed to any change to criteria** for accepting humanitarian entrants on the basis of "settlement prospects", including level of education and literacy.

38. **The English test** just proposed by the Government as a condition of attaining citizenship will **discriminate against refugees, women, those who cannot afford to pay the test fee, those with poor literacy skills, and children born overseas**. The required proficiency level is higher than that required to obtain a visa for entry to an Australian university and (by definition) is impossible for anyone in the AMEP or SEE Program to attain (approximately 80 per cent of Humanitarian entrants). Post-AMEP and SEE Program English language courses are expensive and often unavailable. The test will have the reverse effect to the Government's stated intention of increasing social cohesion and making Australia more secure, because it will create a large pool of disenfranchised, insecure adults, adolescents and children living in Australia with fewer rights and entitlements than the rest of the community. As such, administration of the proposed English tests for the purpose of determining a person's citizenship violates Ethical Principles 4 and 9 of the International Language Testing Association. ACTA will be informing its affiliates accordingly.

Section 6:
CURRENT MIGRATION PROCESSES

39. ACTA believes that Australians can be proud of our role as a global citizen in offering a Humanitarian Program for those fleeing persecution and existing and likely human rights violations. We support **needs-based criteria for selection** and absolutely oppose any reference to settlement prospects.

40. Current **delays and obstacles to family reunions** substantively undermine settlement prospects for humanitarian entrants and **create clear risk factors for refugee youth** becoming involved in anti-social behaviour and gangs.

41. The character test is sufficiently strong in allowing deportation of those found guilty of serious crimes. ACTA is profoundly disturbed at the **rise in visa cancellations from 157 in 2011-12 to 983 in 2015-16**, and at the documentation of gross human rights violations in the Ombudsman's 2016 report.

42. **The adequacy and integrity of data** currently available about the settlement pathways and outcomes of migrants and their children is grossly unsatisfactory. It could not support any attempt to assess settlement *prospects*. In fact, it is inadequate even for developing soundly targeted *policies to improve settlement outcomes* across the board and English language learning in particular.

43. Reliable, systematic and publicly available data for migrant-background youth in contact with the law and justice system is needed on their:

    i. family situation
    ii. length of time in Australia
    iii. years and location of formal education prior to arrival
    iv. educational history in Australia
    v. current level of education.

44. More broadly, the data collected on **those born overseas who sit NAPLAN tests** should include:

    i. number of years in Australia
    ii. years and location of schooling *prior* to arrival in Australia
    iii. years of schooling *after* arrival in Australia
    iv. English level on a nationally agreed and consistent measure of English language proficiency.

45. Procedures for collecting data on those born overseas who sit NAPLAN tests should ensure that these **records regarding their English proficiency and educational progress are regularly maintained** until the child has achieved age-appropriate norms.

46. Assessing applications by prospective migrants using criteria related to their **"settlement *prospects*":**

    i. is **impossible,** because all available evidence shows that settlement prospects depend more on what happens to migrants **after they arrive** than they do on any pre-arrival factor
    ii. would be **unjust,** because the only factor established by research that can predict outcomes is a person's "level of happiness about themselves", and assessing this factor would be a gross violation of privacy and human rights.

47. Given the evidence that **English language courses improve migrants' English, and also contribute to their sense of connectedness**, ACTA hopes that the Inquiry will recommend strongly in favour of monitoring and extending quality support for English language provision for children and adults.

Section 7:
SOCIAL ENGAGEMENT OF MIGRANT-BACKGROUND YOUTH

48. The social engagement of migrant-background youth and, conversely, their anti-social behaviour and involvement in gangs, should be viewed in the context of:

    i. **overall statistics on youth crime –** what is known about social engagement of youth and their alienation more generally
    ii. how **general risk and protective factors apply** specifically to migrant-background youth
    iii. the fact that most, if not all, of these factors relate to **their life in Australia** rather than their dispositions prior to arrival.

49. The **disproportion of Sudanese and Pacifica youth** among migrant-background youth is concerning. The factors just listed (para. 48) explain the causes of the problem and what must be addressed in solving it.

50. The best practice that we have described in relation to refugee youth with minimal/no previous schooling applies equally well to Sudanese and Pacifica youth, given that **a major source of their alienation is school failure.**

51. Additional best practice strategies to counter youth antisocial behaviour are:

    i. **legal education projects** that help young people understand Australian laws and the justice system
    ii. **police engagement projects** with youth groups and intercultural training for police and other justice agencies
    iii. sporting and leisure activities
    iv. **practical assistance**, e.g. homework clubs, driving lessons, case management for vulnerable individuals
    v. **arts programs** (music, drama, visual arts)
    vi. leadership, volunteer and training courses/programs.

52. ACTA is opposed to deportation for **any reason of anyone who arrived in Australia aged 18 or younger** on human rights grounds, and because we believe Australia must accept responsibility for young people raised here. It violates equity principles in regard to how youth crime is treated in this country, takes no account of the consequences for the individual and the country to which he/she is deported, and ignores the fact that the person's formative years have been in this country.

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List of Recommendations

TERMINOLOGY AND BASIC ASSUMPTIONS

1. ACTA recommends that the Joint Standing Committee on Migration (henceforth JSCM) adopt the terms:

   i. **"migrant-background youth"** in preference to "youth migrant" for the purposes of its report, on the grounds that at least some of the youth under consideration may have been in Australia since childhood

   ii. **"proficiency"** when specifically considering English language levels

   iii. learners/speakers of "**English as additional language/dialect" (EAL/D)**.

2. ACTA recommends that the JSCM direct the Inquiry's attention to:

   i. **the nine priority areas** in the *National Settlement Framework* together with the **outcomes and indicators** in the *National Outcomes Standards*, and use these outcomes and indicators as a basis for:

      a. assessing the effectiveness of settlement services overall
      b. identifying specific blockages hindering achievement of the stated outcomes.

   ii. **the governance structure** created through the *National Settlement Framework*, and review its effectiveness in pursuing the **specified outcomes for English language and literacy programs** for:

      a. children in pre-schools
      b. primary and secondary school students
      c. migrant and refugee youth
      d. adults
      e. the elderly.

   iii. developing recommendations on extending the *National Settlement Services Outcomes Statements* to give greater attention to **standards in settlement services** for infants and children in **Early Childhood Education & Care** and **schools.**

3. ACTA recommends that the JSCM, in reviewing settlement outcomes:

   i. distinguish between –

      a. **government/administrative perspectives** on settlement outcomes (i.e. ***systemic outcomes*)** related, for example, to employment and learning English, and
      b. **migrants' own perspectives** on their ***life outcomes*** in Australia, which are related to feeling connected to Australian society

      and therefore –

   ii. acknowledge both perspectives and make recommendations directed towards **harnessing each to support the other**

iii. adopt the view that settlement is a **dynamic two-way process** between incoming migrants and Australian society, and that the success of migrant settlement depends crucially on the "contexts of reception" experienced by incoming migrants

iv. recommend ways to support and strengthen the **positive contributions made by established migrant-background groups, families and individuals** to newcomers' successful settlement, and give special consideration to strengthening advice and mentoring for young people

v. adopt and develop the notion of ***"active citizenship"*** for migrant-background youth, especially those at risk of antisocial behaviour, as a more dynamic and positive approach than "settlement outcomes" in fostering social engagement.

Terms of Reference 1 and 2:
EFFECTIVENESS AND BEST PRACTICE IN ENGLISH LANGUAGE AND RELATED PROVISION

4. ACTA recommends that the JSCM's investigation of its first Term of Reference include consideration of:

i. where **failures in previous settlement services** for *previous* migrant cohorts of all ages have contributed to poor outcomes for today's migrant-background youth

ii. whether these same failures **persist** and, if so –

iii. how these failures **should be remedied** to prevent poor migrant-background youth settlement outcomes in the future.

EARLY CHILDHOOD EDUCATION AND CARE

5. ACTA recommends the JSCM request the Senior Officials Settlement Outcomes Group to:

i. extend the *National Settlement Framework*, the *National Settlement Services Outcomes Statements* to include **explicit recognition of the need for access to quality Early Childhood Education and Care (ECEC)** by migrant and refugee families

ii. identify **specific barriers** in access to ECEC by migrant and refugee parents/carers, including those with minimal/no literacy skills

iii. ensure that **childcare** is available to mothers/carers enrolled in post-AMEP training and education, including the SEE Program

iv. increase **collaboration between settlement agencies in *all* NFS areas** with the Australian Children's Education & Care Quality Authority, ECEC training providers in sharing information and providing professional development for front-line workers, including giving effective information and advice to carers/parents

v. request **annual reporting from the NQF State/Territory Inclusion Agencies** on their work in promoting access to ECEC by migrant and refugee parents/carers.

SCHOOLS

6. ACTA recommends that the JSCM request the national **Senior Officials Settlement Outcomes Group (SOSOG)** to:

i. instigate, as a matter of urgency, a **national review of EAL/D provision in the school sector** with particular reference to
   a. **the impact of devolution policies** over the past five years on:
      - eligibility for and access to EAL/D provision by:
      - new arrivals
      - those in the first 5 years after arriving
      - those entering the first year of school from homes where English is not the main language used.
   b. **accountability** for use of Commonwealth funding to meet English language learning needs in schools
   c. numbers, promotion levels and types (permanent, part-time, short-term contract or casual) of **designated EAL/D positions** in schools
   d. **qualifications** of EAL/D teachers
   e. numbers, promotion levels and types (permanent, part-time, short-term contract or casual) of designated **EAL/D consultants** in State/Territory/regional offices
   f. **projections and planning** for EAL/D provision over the next 3-5 years.

ii. **report to the JSCM** on its response to this request within the next 12 months.

7. ACTA recommends that the JSCM endorse and encourage:

i. **completion of the *National Framework for Assessing English Language Proficiency*** as Australia's nationally consistent English language proficiency measure and as an integral part of the National Education Evidence Base

ii. incorporation of the nationally recognised English language proficiency measure into **national education data collections and reporting** where appropriate and feasible

iii. use of the *National Framework for Assessing English Language Proficiency* for **identifying and reporting on English language needs in schools**, that is, identifying the EAL/D student target group

iv. use of the *National Framework for Assessing English Language Proficiency* to inform **the allocation of Commonwealth targeted funding** for students with English language learning needs to State and Territory education systems during the 2018-2021 schools funding quadrennium.

8. ACTA recommends that the JSCM endorse:

   i. **the standards** described in 4.2.1 of this submission as national best practice EAL/D standards for education systems, schools and classrooms
   ii. **the adoption of these standards** as systemic outcomes and indicators for EAL/D education as part of the *National Outcomes Standards* for the education and training priority area of the *National Settlement Framework*
   iii. the establishment, through the Education Council, of **a national digital space and clearing house** within Education Services Australia for the recognition, dissemination and further development of evidence based, best practice resources, tools and infrastructure in EAL/D education.

ADULTS

9. ACTA recommends that the JSCM:

   i. support **a truly comprehensive and consultative review of English language provision for adult migrants** in the non-higher education sector in the first five years after arrival that:
      a. **maps existing English language and related provision** (e.g. bridging programs into mainstream training and education) in each Australian capital city and regional towns with migrant populations
      b. identifies **gaps and blockages in pathways** for English language learners with diverse literacy, educational backgrounds and proficiency levels
      c. identifies barriers that are **preventing migrants from accessing** English language programs
      d. aims to develop a **cross-sectoral framework** for genuinely flexible, collaborative, locally responsive English language services connected to staged pathways into further training, education and employment
      e. includes **key stakeholders** (adult migrants, teachers and provider managers); experts in TESOL (including ACTA representation), language assessment and public administration; and representatives of institutions providing pathways for migrants (notably TAFE)
      f. is conducted by an **independent body** over an extended period of time that allows for visits, face-to-face discussions and the circulation of a draft report.
   ii. request the Senate Committee on Education & Employment review the **changes to the AMEP under the 2017-2020 contracts after the first year of operation** with particular reference to:
      a. **new cohorts** of clients attracted to the "social English" stream
      b. numbers of **clients in the "social English" stream**, class sizes and client retention rates and satisfaction surveys
      c. teacher **qualifications** in the AMEP
      d. teacher **salaries** in each AMEP provider compared to the last three contracts
      e. numbers of **permanent, short-term contract and casual teachers** in each AMEP provider compared to the last three contracts

f. new teachers recruited in rural and remote areas
g. the effect on **AMEP provision in metropolitan Melbourne** of the loss of their AMEP contract by a major provider
h. the outcomes for SEE Program provision of awarding contracts to **a provider with no known expertise in English language teaching.**

iii. request the Department of Education & Employment to commission **a report by experts in second/other language testing and assessment** into assessment and reporting of English language outcomes in the AMEP and SEE Program

iv. affirm the importance of **regular professional development** for *all* those working in migrant settlement programs

v. support a **risk-based approach to contracting English language services** for adult migrants that uses a rating system against agreed KPIs and does not require high performing providers to submit tenders every 3-5 years

vi. request **the Commonwealth auditor** to investigate the effectiveness, efficiency and true value for money of the current form of competitive contracting for the AMEP and SEE Program.

REFUGEE YOUTH WITH SEVERELY DISRUPTED/MINIMAL/NO PREVIOUS EDUCATION

10. ACTA recommends that the JSCM:

i. **visit examples of best practice** in programs specifically designed for refugee youth with minimal/no previous education, and engage with those managing and teaching them as well as the students themselves

ii. investigate how improvements can be made in training and materials for **those advising refugee youth, their families and communities** (*notably:* pre-embarkation advisors, Humanitarian Settlement Services, Migrant Resource Centre workers, and Community Hub organisers) with **specific reference to these young people's best options for learning English and catching up on lost schooling**, including bridging programs into mainstream education and training in the school and AMEP/TAFE sectors

iii. develop high priority recommendations to:

a. **map the nature, location and accessibility of existing specific purpose programs** for refugee youth aged 15 to 25 with highly disrupted/ minimal/ no previous education
b. ensure **continuity of provision in existing high-quality programs** that assist this group to **transition successfully** from intensive English programs (in both IECs and the AMEP) into appropriate school and/or TAFE programs
c. develop **further programs** for this group where gaps are found to exist
d. ensure **continuity in provision for existing and new initiatives** that have been shown to be successful.

iv. investigate State/Territory Education departments' policies with a view to improving **access by 15-17 year old humanitarian entrants** with minimal/no previous schooling **to the SPP/AMEP** (including greater flexibility and reduced paperwork)

v. require the relevant authorities to collect **comprehensive cross-sectoral data on the educational and employment pathways of humanitarian entrants aged 12-24** who have seven years' schooling or less for an eight year period following their entry to Australia.

Term of Reference 3:
THE IMPORTANCE OF ENGLISH

11. ACTA recommends that the JSCM develop its recommendations on the importance of English:

i. in the context of acknowledging the importance of **maintaining and fostering linguistic diversity and fluent bilingualism** in Australia

ii. with a view to increasing migrant background adolescents' and adults' **access to English language programs** that:
   a. span *a range of proficiency levels*, including higher levels
   b. facilitate *smooth transitions* from intensive to post-intensive English tuition
   c. include *bridging programs* and pathways into training, education and employment.

12. ACTA recommends that JSCM **reject the inclusion of an English language test** as part of the application for Australian citizenship on the grounds that it:

i. is **profoundly undemocratic** in:
   a. depriving many women, children born overseas, those with low levels of education and literacy, and those who cannot afford to pay to sit and re-sit the tests **from gaining the vote and otherwise participating in Australian democratic processes**, and will undermine their sense of security and belonging in this country
   b. targeting approximately **80 per cent of those admitted in the Humanitarian and Family Reunion streams**

ii. **threatens social cohesion** in this country by creating a large pool of disenfranchised and insecure adults, adolescents and children living in Australia with fewer rights and entitlements than the rest of the community.

Term of Reference 4:
CURRENT MIGRATION PROCESSES

13. ACTA recommends that the JSCM:

i. reaffirm the principle that the criteria for assessing applicants for the Refugee and Humanitarian program is **focused solely on assessment of the applicant's *needs*** in relation to persecution and existing and likely human rights violations

ii. give priority consideration to **the effects on refugee youth of prolonged separation from parents and siblings**, particularly the adverse impacts on settlement outcomes and their capacity for sustained participation in educational and employment

iii. pursue, as a matter of urgency, improvements to **Family Reunions** for those admitted as Humanitarian entrants.

14. ACTA recommends that the JSCM state its **unequivocal opposition** to:

i. **deportations** of anyone, regardless of their crime, *if*:
   a. they are *under* the age of 18
   b. they arrived in Australia *before* they turned 18

ii. **revocation of citizenship** of anyone older than 18, *other than* a person convicted on a terrorism charge.

15. ACTA recommends that the JSCM investigate and document reasons for the extraordinary **increase in visa cancellations since 2014**.

16. ACTA recommends that the JSCM acknowledge that the development and application of **procedures to predict a migrant's settlement "prospects"** is:

i. not feasible

ii. ethically unacceptable

iii. entirely inappropriate in relation to the Humanitarian and Family Reunion programs.

17. ACTA recommends that the JSCM:

i. review and report on **progress in implementing Recommendation 14** (regarding data collection) of the Committee's 2013 *Inquiry into Migration and Multiculturalism in Australia*

ii. reject the notion of assessing prospective migrants' settlement prospects, because it cannot be supported by **credible independent data or evidence**

iii. report **statistics** (or recommend their collection) on **migrant-background youth in contact with the justice system** in relation to:
   a. length of time in Australia
   b. family situation, including separation from parents and siblings
   c. location and length of previous schooling prior to arrival
   d. educational history in Australia
   e. current level of education.

iv. develop recommendations that allow data to be collected and reported on **those born overseas who are sitting NAPLAN tests** regarding:
   a. number of years resident in Australia
   b. location and years of schooling *prior* to arrival in Australia
   c. years of schooling *after* arrival in Australia
   d. English level on a nationally agreed and consistent measure of English language proficiency.

18. ACTA recommends that, in pursuing this Inquiry, the JSCM:

i. direct its attention to:
   a. what has been clearly established in **research and government reports** about alienated migrant-background youth
   b. the specific factors that have **blocked systematic implementation of previous recommendations** directed towards averting their anti-social behaviour
   c. make recommendations that **tackle the blockages** in implementing proven strategies that reduce and prevent anti-social behaviour by migrant-background youth

ii. frame its discussion of anti-social behaviour by migrant-background youth in the context of **factors that apply to the Australian population** in general and adolescent development in particular

iii. investigate:
   a. the **ages, settlement, family and schooling histories** of the Sudanese youth involved in gang activity to verify the nature of the group and the reasons for their involvement in gang activity.
   b. **past community and police responses** to migrant youth gang activity to identify best practice prevention and intervention approaches.
   c. the **particular set of conditions** that gave rise to "Apex" gang activity in Victoria and use findings to inform development of effective youth policy and program.

19. ACTA recommends that the JSCM reject the proposition that the character test provisions of the Migration Act 1958 **be used as a means of addressing migrant-background youth anti-social behaviour and gang activity** or be amended to allow deportation of minors with criminal convictions.

20. ACTA recommends that the JSCM develop recommendations to COAG regarding the development and implementation of:

i. **a targeted education and training engagement strategy** to address the social and academic causes of educational disengagement of migrant youth that focuses on review, rejuvenation and strengthening of anti-bullying/racism and EAL/D language and literacy support programs in schools and TAFE Institutes.

ii. a comprehensive **national adolescent "safeguarding" strategy** to help government departments and community organisations better address and prevent anti-social behaviour and gang activity involvement by migrant-background youth which includes:
   a. **intervention strategies** for youth already involved in the justice system;
   b. **prevention (early intervention) strategies** for youth exhibiting anti-social behaviour and/or at risk of involvement in gang activity
   c. **community engagement strategies** promoting positive social and civic engagement for all youth.

SUBMISSION

1. Preliminaries

1.1 What is ACTA?

ACTA is the peak professional body for TESOL (Teaching English to Speakers of Other Languages) in adult and school settings. It comprises representatives from State and Territory TESOL associations, whose members include teachers, researchers, consultants and curriculum developers in the field of teaching English to speakers of other languages. Our long-standing commitment to policy development in this field has been demonstrated over many years by our numerous responses to invitations for submissions on both adult and child TESOL provision. Examples can be found on our website.[1]

This submission has been prepared by two ACTA volunteers. Drafts have been circulated for comment and approval by members and various working groups.

1.2 The Inquiry

ACTA welcomes the opportunity to contribute to this latest Inquiry by the Joint Standing Committee on Migration (henceforth the JSCM) into migrant settlement outcomes. We note its Terms of Reference:

1. the mix, coordination and extent of settlement services available and the effectiveness of these services in promoting better settlement outcomes for migrants;
2. national and international best practice strategies for improving migrant settlement outcomes and prospects;
3. the importance of English language ability on a migrant's, or prospective migrant's, settlement outcome;
4. whether current migration processes adequately assess a prospective migrant's settlement prospects; and
5. any other related matter.

We note that particular consideration is to be given to:

> [the] social engagement of youth 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.

1.3 Clarifying terminology

1.3.1 English language *"ability"*?

We note the word "ability" used in the Inquiry's third Term of Reference. In TESOL and related professions (e.g. foreign language teaching/learning, language assessment & testing, applied linguistics), the terms more likely to be used are *proficiency* and *competence*. Reference to *proficiency* or *competence* in a language generally implies achievement of

[1] http://wwwtesolorgau/Advocacy/ADULT-ESL-NEWS-AND-ISSUES

standards or levels of language learning, or sometimes putative endpoints, as for example, in *"native speaker competence"*.

The word "ability" has more open-ended and varying connotations. The Macquarie Dictionary defines ability as "the power or capacity to do or act in any relation". It often implies some kind of innate capacity and is closer in meaning to the more technical term *aptitude*. So, for example, a person may be extremely able in using English to get things done but the words, grammar and pronunciation he/she uses may not meet certain norms/standards of correctness, including those of Standard Australian English.

With this in mind, we use both *ability* and *proficien*cy in this submission, with the latter used when discussing *levels* of achievement in Standard Australian English.[2]

1.3.2 Youth *"migrants"*?

The Inquiry's use of the descriptor *"youth migrants"* is more problematic, in our view. Despite an exhaustive search, we cannot find any publicly available data on the length of time the young people who are the particular focus of this Inquiry have been in Australia. As we explore in section 7 and, by inference, throughout this submission, these young people may be in the (five year) settlement phase of migration to Australia but may equally well have been here since childhood or infancy. In fact, we are uncertain as to whether the Inquiry includes those born here. These young people (along with adults) resent being permanently labelled as "migrants", especially if they have lived all/most of their life in Australia. As research consistently demonstrates, labelling that marks a group as not belonging "here" or as one of "us" itself contributes to alienation, especially for adolescents for whom fitting in with peers is a paramount concern.[3]

A descriptor in wide use and previously espoused by the Joint Standing Committee on Migration is *Culturally and Linguistically Diverse youth* (CALD youth).[4] The term carries more positive connotations but it is misleading in implying that some young people are "culturally and linguistically diverse" but others (i.e. the host population) are not. In fact, the *total* Australian population is now accurately described as culturally and linguistically diverse.

Consequently, in this submission we use the term *migrant-background (youth)* to refer to the group that is the particular focus of this Inquiry. We believe that this descriptor names the characteristic that is exercising the Inquiry, namely previous migration to Australia either by these young people or their parents. As relevant, we also use the more general term of *migrants*.

In ACTA's professional field, the currently preferred descriptor for those in the process of *learning* English is *learner/speaker of English as an additional language or dialect* (EAL/D

[2] What is meant by the terms *proficiency*, *competence/competency* and *Standard Australian English* is a matter of debate in our field. However, these debates are probably marginal to this Inquiry.
[3] Google lists 20,400 academic studies on the damaging effects of stereotyping and labelling of any kind; and approximately 34,700 specifically regarding migrants and refugees.
[4] http://wwwaphgovau/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=mig/ multiculturalism/report htm

learner) or *English language learner*. EA***L*** learners are those learning English from the basis of a distinctly different language. EA***D*** learners are those Indigenous, Pacifica or Caribbean students who speak so-called "dialects" of English, that is, non-standard varieties; they need to learn Standard Australian English for use in education and other formal contexts.[5] In accord with the Inquiry's remit, this submission focusses on English provision for migrants and their children, and the inclusion of "dialect" (= /D) refers to Pacifica and Caribbean students. However, many of the issues we discuss apply equally well to Indigenous learners

Our Association's title (Australian Council of TESOL Associations) reflects a previously favoured term – *teachers of English as a second or other language* (TESOL) – and the way our specialist subject was then institutionalised in school programs as ESL (English as a second language). In this submission we use *EAL/D* and *ES*L variously according to context.

ACTA's recommendations on terminology in relation to this submission are as follows:

1. ACTA recommends that the Joint Standing Committee on Migration (henceforth JSCM) adopt the terms:
    i. **"migrant-background youth"** in preference to "youth migrant" for the purposes of its report, on the grounds that at least some of the youth under consideration may have been in Australia since childhood
    ii. **"proficiency"** when specifically considering English language levels
    iii. learners/speakers of "**English as additional language/dialect" (EAL/D)**.

For obvious reasons, we suggest it be made very clear that the EAL/D speakers referred to in this Inquiry are *not* Indigenous Australians.

1.4 The focus of the ACTA submission

Our focus in this submission is the Inquiry's Terms of Reference as they relate to **English language learning**, which is ACTA's area of expertise.

In the following section, we clarify **our assumptions** about some issues that underpin the remainder of our submission.

We then address the Inquiry's **four main Terms of Reference.**

These sections are followed by one that focusses on the **causes of youth anti-social behaviour and gang activity** with particular reference to migrant-background youth.

In addition to listing our recommendations at the beginning of this submission, we include them in the relevant sections.

Preparing this submission has taken us considerable time and effort. We hope it contributes useful and constructive insights to the work of this Inquiry.

[5] These distinctions are also a matter for debate and discussion in our field but need not concern this Inquiry

2. Underlying assumptions

Before addressing the Inquiry's Terms of Reference, we need to make explicit the assumptions that underpin our response. Our assumptions are evidence-based and relate to:

1. the Inquiry's "particular consideration" of anti-social behaviour by "youth migrants"
2. what we understand by "settlement outcomes"
3. the time it takes to learn English as an additional language
4. the special characteristics of English language learning by adolescent new arrivals with minimal/no previous schooling.

2.1 The Inquiry's "particular consideration" and its Terms of Reference

The press release accompanying the announcement of this Inquiry's refers to "recent events in Victoria" and gang activity of Sudanese youth.[6] Some media reports indicate that amendment of current migration legislation to allow deportation of minors with criminal convictions is the underlying motivation for and likely outcome of this Inquiry.[7]

ACTA hopes that this Inquiry is not working towards any pre-determined outcome. Rather, we trust that:

- its recommendations will be **based on evidence**, not "moral panic"
- it will address **the contributing factors** to the behaviours under consideration
- the underlying assumption is that these factors **do not inhere in any particular group**, much less their particular cultural or linguistic attributes
- the proposed solutions to these behaviours do not entail any **covert or overt form of racial profiling**.

In other words, any discussion of the behaviours of some Sudanese and Pacifica young people, for example, will probe the experiences that lie behind these behaviours and lead to recommendations that address key factors in these experiences.

For these reasons, we welcome the Inquiry's framing of its particular concerns within the more general context of settlement outcomes. At the same time, however, even confining our response to ACTA's particular area of expertise, viz. English, we have found the task of responding to the Inquiry's stated Terms of Reference impossibly broad. The current investigation encompasses a truly *vast* field of research, reports too numerous to count, and multiple examples of good practice, as a Google search instantly reveals.[8]

For example, the Department of Social Services' own website contains a long list of useful reports, likewise the Australian Settlement Council, the Refugee Council of Australia, and the Multicultural Youth Advocacy Network.[9] Data from a very comprehensive study by the

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[6] http://wwwaphgovau/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Media_Releases
[7] http://wwwabcnetau/news/2016-11-18/inquiry-to-consider-revoking-visas-for-migrants-in-gangs/8036774 ; http://wwwabcnetau/news/2016-11-18/inquiry-to-consider-revoking-visas-for-migrants-in-gangs/8036774
[8] For a 2016 listing of scholarly publications since 1940 (total 1,451), see http://apo.org.au/files/Resource/neumann_resettlement_bibliography_15_july_2016.pdf.
[9] https://www.dss.gov.au/our-responsibilities/settlement-and-multicultural-affairs/publications http://www.scoa.org.au/; http://www.refugeecouncil.org.au/our-work/publications/reports-on-settlement/; http://www.myan.org.au/resources-and-publications/

Australian Institute for Family Studies (henceforth AIFS) has been available since 2014[10] and a second phase of the study is now in progress.[11] The AIFS website lists multiple reports on migrant-background youth and best practice in working with them.[12]

These sources demonstrate the breadth and complexity of this Inquiry's Terms of Reference and the challenge of doing justice to them in a single Inquiry report, much less this submission. However, we are certain that they also contain answers to the Inquiry's questions. In particular, there is more than enough evidence to show that the specific problem of anti-social behaviour by some migrant-background youth:

- is **not characteristic** of the vast majority of migrant-background youth
- **could have been avoided** if evidence-based strategies that were known at the time had been generally employed
- is **largely solvable** if the political and administrative blockages to solving these problems, and preventing them in future, can be identified and overcome.
  (See sections 3.6 and 7).

In writing this submission, we have therefore repeatedly found ourselves asking:

i. why has the well-established knowledge in this field failed to penetrate the higher levels of policy-making?
ii. why are the same questions being asked yet again in this Inquiry?
iii. why is support for well-established good practice in this area so inconsistent, easily forgotten, and constantly subject to review?

A partial answer was provided as far back as 1998, when Burnett noted that:

> part of the difficulty of arriving at a definition of settlement is that the question about the nature of settlement is often posed for political reasons, in the hope that a definition will provide the answers for related questions which are concerned with the allocation of resources to settlement services.[13]

We do not believe continued struggles over resources are the only cause of current failures, although clearly they are part of the mix.

We are convinced that the questions just posed are important for the Inquiry to pursue in relation to each of its Terms of Reference and the problem of anti-social behaviour by some migrant-background youth. If the Inquiry is to make a substantive contribution to solving this problem and prevent its findings disappearing into a policy 'black hole' as many others have done, ACTA suggests it should consider the extent to which effective policy-making has followed from previous inquiries, and what is *already* known about the problem and how to

[10] https://aifs.gov.au/publications/family-matters/issue-94/building-new-life-australia; https://aifs.gov.au/publications/settlement-experiences-recently-arrived-humanitarian-migrants
[11] http://www.bnla.com.au/
[12] https://aifs.gov.au/cfca/publications/working-culturally-and-linguistically-diverse-migrant-background-adolescents/references
[13] Burnett, L. (1998). Issues in Immigrant Settlement in Australia Sydney, Macquarie University: National Centre for English Language Teaching and Research, p. 61 http://librarybslorgau/jspui/bitstream/1/4611/1/BurnettL_Issues-in-immigrant-settlement-in-Australia_RS-10-1998pdf

solve it. This consideration should include diagnosing the causes of previous policy inaction and failures.

2.2 What *are* "migrant settlement outcomes"?

What might constitute "migrant settlement outcomes" has been well canvassed by researchers, governments and practitioners. Aside from particular specifications and Frameworks, ACTA commends two fundamental propositions to the Inquiry:

i. policy and administrative perspectives on successful settlement outcomes differ from the perspectives of migrants themselves
ii. settlement is a dynamic, complementary two-way process involving both the host society and incoming migrants.[14]

The first proposition highlights the need for clarity about *whose* perspectives on successful settlement are being considered when evaluating migrant settlement outcomes. The second proposition highlights the importance of the "contexts of reception" afforded to migrants by the host society. The host society's role in promoting successful settlement outcomes is just as important as the personal attributes, aspirations and dispositions migrants bring with them.

In this section, we identify three different but complementary perspectives on successful settlement outcomes:

1. **policy/administrative perspectives**, which are concerned with ***systemic outcomes***
2. **settlers' perspectives**, which are concerned with ***life outcomes***
3. **migrant-background youth perspectives**, which are especially concerned with ***participatory outcomes***.

All three perspectives rest on productive interactions between migrants and the host society, albeit in different ways.

2.2.1 Policy/administrative perspectives and systemic outcomes

Policy/administrative perspectives on migrant settlement outcomes are those which *governments and their agencies propose and use* to assess the success (or otherwise) of migrants' lives after arriving in the host country, for example, gaining employment and accessing education and training. Following the 2011 Australian Survey Research Group (henceforth ASRG) report, we term the outcomes from this perspective ***systemic outcomes***.

From a policy/administrative perspective, indicators relating to populations or groups (e.g. employment statistics) are used to judge successful outcomes. Governments seek to assist these systemic outcomes through delivering services that, in turn, are (at least in theory) judged by various accountability criteria that relate to agencies' responsibilities for service delivery.

[14] Fozdar, F. & L. Hartley (2012). Refugees in Western Australia: Settlement and Integration University of Western Australia: Metropolitan Migrant Resource Centre, p. 11.

The *National Settlement Framework* (henceforth the NSF)[15] is the officially recognised reference point for policy/administrative perspectives on settlement at all levels of government in Australia. This Framework specifies "settlement" as occurring in the first five years after arrival and specifies nine priority areas of services that assist settlement (p. 3):

1. Language services
2. Employment
3. Education & training
4. Housing
5. Health and well-being
6. Transport
7. Civic participation
8. Family and Social Support
9. Justice.

A Google search re the NSF reveals considerable activity related to the Framework, including the development of *National Outcomes Standards* specifying systemic outcomes and indicators for the NSF priority areas.[16] Both documents are important advances in developing an administrative "whole of system" approach to migrant settlement. These outcomes and related standards have the potential to relate high level policy development to what is known in research and at the grass roots about settlement and best practice. We understand that the NSF will be reviewed in the course of this year. We also note that a recent report from the Centre for Policy Development (henceforth CPD) recommends "formalising government priorities in an updated National Settlement Framework", specifically in relation to "establishing a centre of gravity for settlement services" to remedy the current fragmentation in policy development and service delivery.[17] We return to the need for "a centre of gravity" in child and adult English language provision in sections 3.2, 3.4.7, 3.5.3 and 6.3. We assume the Inquiry will keep a watching brief on any review of the NSF.

"English language and literacy programmes for adults, elderly, youth and children" and "English as an Additional Language programmes in schools" are listed as key services within the NSF Education and Training priority area. It follows that English language outcomes must be identifiable and service providers held to account for them.

Here we note a serious weakness in the administrative arrangements that govern the coordinating work of the NSF. No representation from State/Territory or Commonwealth authorities responsible for these English language services is to be found in the Senior Officials Settlement Outcomes (SOSOG) Group overseeing NSF implementation, although attendance on an ex-officio basis by "senior representatives of key Commonwealth Departments" is possible (p. 6).[18] This Group should have the capacity to address the 2017 CPD report criticism that the current administration of post-arrival humanitarian policy "is difficult and unruly", which matches ACTA's call for ending this fragmentation in regard to

[15] https://www.dss.gov.au/settlement-and-multicultural-affairs/publications/national-settlement-framework
[16] http://www.scoa.org.au/announcements/national-settlement-service-standards-project
[17] p. 6 https://cpd.org.au/2017/02/settlingbetter
[18] https://wwwdssgovau/sites/default/files/documents/11_2016/the_national_settlement_frameworkpdf p 6

the AMEP and other services (see sections 3.5.2, 3.5.3, 3.6.3 and 6.3).[19] Our submission identifies significant failures in the quality and provision of English language programs for both adults and children (including pre-school children), which we believe NSF governance should address as a priority.

Our recommendation follows.

2. ACTA recommends that the JSCM direct the Inquiry's attention to:
   i. **the nine priority areas** in the *National Settlement Framework* together with the **outcomes and indicators** in the *National Outcomes Standards*, and use these outcomes and indicators as a basis for:
      a. assessing the effectiveness of settlement services overall
      b. identifying specific blockages hindering achievement of the stated outcomes.
   ii. **the governance structure** created through the *National Settlement Framework*, and review its effectiveness in pursuing the **specified outcomes for English language and literacy programs** for:
      a. children in pre-schools
      b. primary and secondary school students
      c. migrant and refugee youth
      d. adults
      e. the elderly.
   iii. developing recommendations on extending the *National Settlement Services Outcomes Statements* to give greater attention to **standards in settlement services** for infants and children in **Early Childhood Education & Care** and **schools.**

2.2.2 Settlers' own perspectives on settlement outcomes

It should not be assumed that settling migrants' perspectives on the success (or otherwise) of their life in their new country are synonymous with those of policy makers and government agencies. A key finding of the Australian Survey Research Group (henceforth ASRG) 2011 report on *Settlement Outcomes of New Arrivals* was that migrants see these outcomes differently:

> DIAC [= the then Department of Immigration and Citizenship] defines successful settlement differently from how Humanitarian entrants think about settling in well (where the proxy [i.e. the working construct] was *living comfortably in Australia*). Where DIAC, like other agencies defines successful outcomes in terms of **systemic outcomes** (social participation, economic well-being, level of independence, and personal well-being), Humanitarian entrants define settlement in terms of **life outcomes** (personal happiness and community connectedness).[20] (emphases in the original)

[19] https://cpdorgau/2017/02/settlingbetter p 34
[20] Conclusion 5, p.66; https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf

This finding was based on a statistically derived model claimed to be "a first of its kind study for DIAC and, to our knowledge, internationally … because of its scale as well as its scope" (p. 4). The researchers applied multivariate analysis to written survey responses (assisted, as required, by translation and interpreter services) sent to 20,000 people in the settlement phase (12 to 60 months) of migration to Australia. The sample consisted of 60 per cent Humanitarian, 20 per cent Family and 20 per cent Skilled Migrants, the latter two categories used for comparative purposes. The researchers state that their results can be "interpreted with a high level of statistical confidence" (p. 9).

The study is important for the Inquiry's purposes because the research aimed to build a *predictive* model of variables that contribute to successful settlement (p. 1). The study found that, if settlement outcomes are presented to respondents as *"level of comfort living in Australia"*,[21] the following variables, including English proficiency and education levels, are ***not*** predictive of success (p. 63):

- language skills [defined as skills as speaking, reading and writing English)
- education
- citizenship
- source of income
- driver licence
- ability to access and use community services
- satisfaction with accommodation.

The predictors the researchers found are:

i. how happy a person feels about him/her self
ii. confidence about making choices about living in Australia
iii. being treated well by the local community since coming to Australia
iv. ease of finding a place to live in Australia. (p. 1)

These predictors can be seen to relate closely to factors identified in research into protective and risk factors for migrant-background youth, and the motivations some have for joining gangs, which we explore more fully in section 7.

The researchers state that "the variable that contributes most of all to a positive settlement experience is personal *happiness*" (p. 62). In turn, happiness is predicted (in order of contribution) by mental health, degree of *connectedness* and level of physical health (p. 62). Nine variables predict *connectedness*:

- how happy a person feels with his/her self
- being treated well by the local community since coming to Australia
- degree of confidence about finding out about places, organisations and activities that make a difference to living in Australia
- degree of mental health
- involvement with family or friends

[21] Humanitarian entrants did not understand the concept "settlement" but did understand "comfort living in Australia" p. 8.

- whether or not a Humanitarian entrant had links/contacts in Australia before arrival
- involvement with a religious group
- involvement with a cultural group
- male gender.

These findings clearly illustrate our earlier point that successful migrant settlement must be seen in terms of a two-way process between newcomers and the host community.

It is important to note that "local community" and religious and cultural groups included those within people's own ethnic/linguistic communities as well as the wider community. Likewise, responses regarding employment included success in gaining employment within the particular ethnic/linguistic groups. These findings accord with other investigations into settlement outcomes.[22] The findings are important for the Inquiry because they show that successful settlement is crucially assisted by those who have come before (section 5.2). For example, in regard to migrant-background youth, advice and assistance from within the community and from bilingual/bicultural youth workers can play a crucial role, a point we will elaborate later (sections 3.6.2 and 4.4.2).

The research group observed that "positive Humanitarian entrant experience appears to be similar to non-migrants' experiences of living in Australia," although "this is not denying that some Humanitarian entrants experience considerable difficulties when settling in Australia" (Conclusion 4, p. 66).[23] We draw the Inquiry's attention to this observation because it underlines our later argument that **issues related to migrant-background youth and gangs are *not* confined to migrant-background youth but stem from causes that apply to adolescents and the wider community in general** (section 7).

Importantly for any consideration of migrant-background youth, the researchers cautioned that it was highly unlikely that their model and these predictors would apply to "second generation migrants" (sic)[24] (p. 65). We note also that the respondents to this survey were aged 18 and older.[25] However, as will become clear in our discussion of these youth, achieving "connectedness" is clearly one of their prime goals (sections 2.4; 3.6.2; 4.4.2 Table 8 item 6; 7.2).

Another large-scale study by the Australian Institute for Family Studies (AIFS), this time longitudinal, has findings that partially support the conclusion that English is not highly salient in migrants' *own* perceptions of successful settlement. The researchers found that:

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[22] http://pdfproclibmsuedu/?file=/DMC/Africanper cent20Journals/pdfs/socialper cent20development/vol10no1/jsda010001003pdf; http://wwwmigrationpolicyorg/research/bridging-divides-role-ethnic-community-based-organizations-refugee-integration; https://wwwdssgovau/our-responsibilities/settlement-and-multicultural-affairs/programs-policy/a-multicultural-australia/help-for-ethnic-community-organisations

[23] https://wwwdssgovau/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_accesspdf p 66, Concl. 4

[24] Re labelling people born in Australia as "second generation migrants" seems quite extreme to us: see section 1.3.2 above.

[25] The researchers claim that happiness and mental health do not *change* over time (p. 62). Given that the study was based on one-off responses to a survey (as distinct from a longitudinal study), we find this claim difficult to understand. A more accurate conclusion would seem to us to be that levels of happiness and mental health were consistent in relation to other variables including length of time in Australia.

> When asked what factors had helped participants (n. = 2,399) start a new life in Australia, most reported:
>
> - feeling safe (74 per cent)
> - children being happy (56 per cent)
> - having family already in Australia (48 per cent)
> - feeling welcome (46 per cent).

However, another important factor was "school opportunities" (42.2 per cent).[26] The importance placed on schooling by newly arriving refugee youth will be explored in our later discussion of their educational options (section 3.6.1).

We conclude from this research that any description and assessment of settlement outcomes must include both the **equally important and complementary dimensions: *systemic outcomes* from administrative perspectives** and ***life outcomes* from migrants' own perspectives.** Failure to make this distinction and/or conflating these two perspectives ignores the dynamic that underpins successful outcomes from either perspective.

2.2.3 Migrant-background youth perspectives on settlement outcomes

Migrant-background youth face distinct challenges in negotiating a double transition from childhood to adulthood and adapting to a new country, language and culture. The Multicultural Youth Advocacy Network (henceforth MYAN) has an established track record in researching and advocating for these young people. Their 2016 *National Youth Settlement Framework* (henceforth the NYSF) is based on work at the interface between government, groups and individuals.[27] It defines youth settlement goals in terms that integrate both systemic and life outcomes. It offers a broad, positive and specifically *youth*-oriented view of what settlement entails for these young people, and illuminates the indicators that must be addressed in preventing their alienation and anti-social behaviour (section 7). Development of this Framework has been accompanied by a national training program and supporting resources (which we commend as good practice – see section 4.4.4 below).[28] The *Global Refugee Youth Consultations in Australia* report complements the NYSF in providing young people's own perspectives on settlement issues.[29]

The NYSF re-frames positive "settlement outcomes" for migrant-background youth as ***"active citizenship"***, which develops in four key "domains":

i. Economic participation
ii. Social participation
iii. Civic participation
iv. Personal well-being.

These domains:

> intersect reflecting the dynamic process of settlement and the developmental stage of adolescence. 'Personal well-being' is understood to be fundamental to the others. (p. 14)

[26] https://aifs.gov.au/publications/settlement-experiences-recently-arrived-humanitarian-migrants
[27] http://www.myan.org.au/file/file/MYAN_Youth_Settlement_Framework_April.pdf
[28] http://www.myan.org.au/
[29] http://www.myan.org.au/file/file/GRYCper cent20Report_NOV2016.pdf.

ACTA strongly endorses this *active citizenship* framing, especially as it applies to young people, as an advance on the somewhat static, generic, passive, administratively-oriented picture of pre-determined "outcomes".

The NYSF's "indicators" of "acquiring English language skills" and "engaged in pathways towards employment, including education/training" are located in the domain of *Economic Participation*. From ACTA's perspective, and our particular focus on English and education, this location is too narrow. English proficiency potentially impacts on all domains and many indicators of success within them.[30] For example, facility in English is important in facilitating migrant-background youth's participation in sport and recreation (shown in the domain of *'social participation'*) and, together with education, has a profound impact on young people's "sense of belonging in Australian society" (shown in the domain of *civic participation*). In fact, English proficiency should be seen as suffusing many aspects of settlement.

2.2.4 Implications for the Inquiry

The following recommendations take up the implications for the Inquiry of our discussion of settlement outcomes.

3. ACTA recommends that the JSCM, in reviewing settlement outcomes:
   i. distinguish between –
      a. **government/administrative perspectives** on settlement outcomes (i.e. ***systemic outcomes*)** related, for example, to employment and learning English, and
      b. **migrants' own perspectives** on their ***life outcomes*** in Australia, which are related to feeling connected to Australian society

      and therefore –
   ii. acknowledge both perspectives and make recommendations directed towards **harnessing each to support the other**
   iii. adopt the view that settlement is a **dynamic two-way process** between incoming migrants and Australian society, and that the success of migrant settlement depends crucially on the "contexts of reception" experienced by incoming migrants
   iv. recommend ways to support and strengthen the **positive contributions made by established migrant-background groups, families and individuals** to newcomers' successful settlement, and give special consideration to strengthening advice and mentoring for young people
   v. adopt and develop the notion of ***"active citizenship"*** for migrant-background youth, especially those at risk of antisocial behaviour, as a more dynamic and positive approach than "settlement outcomes" in fostering social engagement.

[30] Yates et al, 2015

2.3 Learning English: how long does it take?

Because proficiency in English is regarded as central to successful migrant settlement in Australia, policy expectations about the time taken to acquire this new language need to be realistically informed by research and practical experience. The question "how long does it take to learn a second/other language?" has been extensively researched since the 1960s, and particularly with reference to English. As with any scientific endeavour, healthy debates continue, and push our knowledge forward.

There is no straightforward answer to this question. The time required depends on the purposes for which the language is needed, the age and educational background of the learner, and the strength of the learner's first/other language(s) and literacy in other language(s).

How "much" of *what kind* of English varies according to the settler's needs and aspirations in different domains (see section 5.1).

Age has differential impacts. Young children generally gain conversational fluency quickly but older learners with a good educational background have cognitive and literacy advantages that promote language learning.

Fluency and literacy in the first or another language at any age makes second/other language learning easier and quicker.

In considering expected rates of children learning English as a *second/additional* language, we need to take into account that when *young speakers of English as a mother tongue* begin formal literacy learning in an Australian school, they have already spent over 10,000 hours learning English.[31] One might suppose that the same length of time is required to reach age-appropriate proficiency in a second/other language. However, if learners are assisted to build on the knowledge and skills they have gained in their mother tongue (or other languages), learning an additional language can be much faster.[32]

Mapping progress in learning English as a second/additional language is invalid if learners are assessed with tools that assume norms for the English mother tongue population, because learning another language follows a different trajectory from learning the mother tongue. Assessment tools may also rely on false cultural and contextual assumptions (for example, regarding exposure to popular culture, movie-going, etc) or fail to take account of whether or not the English learner has already learned literacy in another language.[33]

Currently in Australia, use of inappropriate assessment English language tools is a major problem in both adult and child EAL/D English language provision with adverse flow-on effects for learners, programs, resource allocation and accountability (see sections 3.4.4 and 3.5.4).

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[31] Lightbown, P. & N. Spada (2013). How Languages Are Learned. Oxford: Oxford University Press 4th edition https://eltoupcom/teachers/hlal/?cc=gb&selLanguage=en&mode=hub

[32] See published research into this question at http://wwwtesolorgau/Advocacy/Place-of-First-Language

[33] See, for example, Creagh, S. (2014). National standardised testing and the diluting of English as a second language (ESL) in Australia. *English Teaching: Practice and Critque* 13, 1 (May, 2014), pp 24-38. http://filesericedgov/fulltext/EJ1035781pdf ; also http://wwwtesolorgau/Advocacy/EALD-ISSUES-SCHOOLS/NAPLAN

Table 1 below summarises what is known from research about the length of time it takes for an immigrant EAL/D learner to achieve age-related norms in an English-speaking host country.[34]

Table 1: Summary of research findings on length of time it takes to reach age-appropriate Standard Australian English norms

EAL/D LEARNER'S AGE	RESEARCH FINDINGS ON LENGTH OF TIME THAT IT TAKES TO REACH AGE-APPROPRIATE STANDARD AUSTRALIAN ENGLISH NORMS
0-2	Research shows overwhelmingly that migrant-background children from homes where English is not/rarely spoken will acquire English faster if the home provides good opportunities for **developing and consolidating their *first/home* language**. It is better for parents to support L1 development, including pre-literacy skills, than to use English in the home and, unless parents have high proficiency in English, they should not be encouraged to use it with their children.[35]
2-4	In 2009, research using the Australian Early Development Index (AEDI), which employs a teacher-rated checklist to evaluate children in their first year of school, found that young children proficient in *both* their home language/s and English were nearly a fifth of the AEDI cohort. These **bilinguals demonstrated a range of discrete learning benefits** in terms of continuing cognitive, linguistic and academic growth and "tend to outperform their monolingual peers on some cognitive tasks".[36] On the other hand, bilingual children who were not yet proficient in English were likely to be assessed as "vulnerable against their English-speaking peers".[37] The benefits of bi- and multilingualism are maximised if **all languages can be properly established** in the child.[38] Quality pre-school provision is critical in laying the foundation for all children's successful transitions through the school system, [39] and particularly for those who are vulnerable or face disadvantage.[40] Exposure to English through bilingual preschool programs has been shown to be very beneficial to children from homes where English is not the dominant language.[41]

[34] Re context: these findings do not apply to someone learning English as a foreign language in a place where English is not the dominant language, for example, in Germany

[35] For research in this area, go to: https://aifs.gov.au/publications/parenting-partnerships-culturally-diverse-child-care-sett; For a comprehensive review of research on bilingual children aged 0-6, see: http://www.fletchermontessori.com.au/uploads/supporting_children_english_2nd_language.pdf

[36] http://wwwaedcgovau/resources/resources-accessible/research-snapshot-early-developmental-outcomes-of-australian-children-from-diverse-language-backgrounds-at-school-entry;
Brinkman S, Sayers M, Goldfeld S, Kline J (2009) Population monitoring of language and cognitive development in Australia: The Australian Early Development Index *Int J of Speech-Language Pathology* 11 (5): 1-12;
Molyneux, P, Scull, J, & Aliani, R (2016) Bilingual education in a community language: lessons from a longitudinal study *Language and Education*, 30, 4, pp. 337-360.

[37] Goldfield, S, M. O'Connor, J. Mithen, M. Sayers, & S. Brinkman (2014). Early development of emerging and English-proficient bilingual children at school entry in an Australian population cohort *International Journal of Behavioural Development*, *38*, 1, pp. 42-51.

[38] Hu, J. (2014). A study of Australian early childhood educators' attitudes toward Chinese children's home language and English development in early childhood settings *Literacy Education and Computer Education Journal*, *5*(4), 1729 -1737 http://dxdoiorg/101080/095751462014927419;
http://wwwtandfonlinecom/doi/abs/101080/095751462014927419#U98kSWM
See also sections 3.3.1 and 4.1 on Early Childhood Education.

[39] Almond, D. & J. Currie (2011). Human capital development before age five. In O. Ashenfelter & D. Card (eds), *Handbook of Labor Economics*. Vol 4B, Amsterdam: Elsevier, North-Holland, pp 1315-1486.
Heckman, J. (2011). The Economics of Inequality: The Value of Early Childhood Education *American Educator*, Spring, pp. 31-35, 47.

[40] Leseman, P. & P. Slot (2014). Breaking the cycle of poverty: challenges for European early childhood education and care, *European Early Childhood Education Research Journal*, 22, 3, pp. 314-326.

[41] http://www.naeyc.org/blogs/gclarke/2013/09/new-research-dual-language-learners-support-children-learning-both-languages

	Reyes (2012: 309) states "sequential bilinguals, those who develop their home language first and then generally acquire their second language as they begin formal schooling (either preschool or kindergarten) are able to achieve biliteracy only if educators use their repertoires to leverage these children's participation in meaningful learning and literacy experiences".[42]
5-16	This question was extensively researched in North America, most notably by Collier and colleagues in the USA (1,548 new arrivals from 100 different countries) and Cummins in Canada.[43] Cummins (1981) theorised a distinction between *Basic Interpersonal Skills* (BICS), i.e. oral English for interpersonal/social interaction, and *Cognitive Academic Language Proficiency* (CALP), i.e. the cognitively demanding, context-reduced spoken & written English of education. Cummins also theorised a *Common Underlying Proficiency* (CUP) of concepts and skills that could readily transfer from one language to another and that could assist in developing both BICS and CALP.[44] Collier found that on arrival: • those **aged 8-11 took *2-5 years*** to reach 50 per cent percentile of norms on all subject tests in the USA • those **aged 5-7 took 2-3 years** to achieve BICS and **5-7 years** to achieve CALP • those **aged 12-15 took 6-8 years** to achieve CALP and were substantively below norms after 4 years except in Maths. These findings have interesting connections with research into juvenile antisocial behaviour and English language ability, which indicates that poor oral English (BICS) in early life is a major risk factor.[45] We consider this research further in section 7. From the above and other research, key variables are: i. **learning and schooling in L1** prior to arrival in host country ii. **literacy-related skills** at kindergarten entry iii. **exposure to English** prior to arrival in host country iv. **length of residency** in host country v. **age on arrival** in host country vi. **socio-economic status** in the host country .[46] In Australia, a comprehensive study by a team at Queensland University of Technology is in progress.[47] Quantitative findings are based on NAPLAN scores of all students in South East Queensland (approx. 20,000) and distinguish between 3 groups:

[42] Reyes, Iliana (2012). Biliteracy Among Children and Youths *Reading Research Quarterly* 47, 3, pp. 307–327.

[43] Thomas, W.P. & V. Collier (2001). A National Study of School Effectiveness for Language Minority Students' Long-term Academic Achievement Centre for Research on Education, Diversity and Excellence; http://cmmruscedu//CollierThomasCompletepdf ;

Cummins, J. Bilingualism and Language Minority Children. Toronto: Ontario Institute for Studies in Education, Language & Literacy Series http://filesericedgov/fulltext/ED215557pdf

[44] For an up-to-date summary of the distinction between BICS and CALP, see p. 13 http://www.edu.gov.on.ca/eng/document/esleldprograms/guide.pdf

See also Gibbons, P. (2009). English Learners, Academic Literacy and Thinking Portsmouth, NH: Heinemann.

[45] Snow, P. & M. Powell (2012). Youth (in)justice: Oral language competence in early life and risk for engagement in antisocial behaviour in adolescence *Trends & Issues in Crime and Criminal Justice*, Australian Institute of Criminology No 435, April.

For a good summary of the research, see http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi435.pdf

[46] The summary of findings above is taken from Power Point of a lecture by Kettle, M, S Creagh, J Alford & B Comber (2016) 'How long does it take to achieve academically in a second language?' Investigating variables that impact academic outcomes for EAL/D learners in Queensland schools http://educationqldgovau/corporate/research/docs/invitation-investigating-variables-academic-outcomes-eal-learnerspdf

See also http://wwwcenterforpubliceducationorg/Main-Menu/Instruction/What-research-says-about-English-language-learners-At-a-glance/Preparing-English-language-learners-for-academic-successhtml ; http://wwwedugovonca/eng/document/esleldprograms/guidepdf

[47] Kettle, Creagh, Alford & Comber ibid.

	• **Years 3-9/arrived early in primary school:** this group take all of primary school to reach same academic levels (in NAPLAN tests) as English mother tongue (henceforth EMT) peers • **Years 5-9/arrived mid-primary school:** this group converged with EMT peers in two years • **Years 7-9/arrived late primary school:** this group had not converged after 2 years. The researchers speculate that the more rapid convergence for those arriving in mid-primary school is because of their more advanced L1 learning & literacy.[48] Available data on NAPLAN scores does not permit identification of those with little/no previous schooling (see sections 2.4, 3.4.4, 6.3 and our Recommendation 7). The researchers also report that identifications are incomplete because the ESL profiles of students either lack relevant detail and/or are not maintained as students move through schooling. However, their recent work suggests that **up to 9 years of English language and educational support is needed for some older students with minimal/no previous formal schooling.**
16 onwards	Research into adult second/other language learning is extensive.[49] A huge range of variables impact on the rate and degree of achievement in adult language learning: cognitive, sociocultural, psychological, personality, environmental, physical (mechanical/motor variables), learning goals. Some factors give adults advantages; others make it more difficult. Research is conclusive that the most significant predictor of achievement in a second language for both older children and adults is **the extent of formal schooling in the first/other language**.[50] Research in the AMEP (henceforth the AMEP) accords with other findings that those with minimal or no literacy in any language make the slowest progress in learning English.[51]

[48] See also http://www.centerforpubliceducation.org/Main-Menu/Instruction/What-research-says-about-English-language-learners-At-a-glance/Preparing-English-language-learners-for-academic-success.html

[49] For a short list of researchers on this subject, see https://en.wikipedia.org/wiki/List_of_language_acquisition_researchers

[50] Capps, R. et al (2009). Taking Limited English Proficiency Adults into Account in the Federal Adult Education Funding Formula Washington: Migration Policy Institute http://wwwmigrationpolicyorg/pubs/WIA-LEP-June2009pdf
http://wwwcaalusaorg/eslpassingtorch226pdf;
Condelli, L., H.S. Wrigley, K. Yoon, S. Cronen, & M. Seburn (2003). What works study for adult ESL literacy students: Final report Washington DC: American Institutes for Research http://wwwnrdcorguk/uploads/documents/doc 54pdf
Juffs, A. (2006) Working memory, second language acquisition and low-educated second language and literacy learners. In Van de Craats, I. & M. Young-Scholten (eds.). *Low-educated adult second language and literacy acquisition: Proceedings of the inaugural symposium*. Utrecht: LOT
Geudens, A. (2006). Phonological awareness and learning to read a first language: Controversies and new perspectives. In I. Van de Craats, J. Kurvers & M. Young-Scholten (eds.), *Low-educated adult second language and literacy acquisition: Proceedings of the inaugural symposium*. Utrecht: LOT
Tarone, E., M. Bigelow, & K. Hansen (2007). The impact of alphabetic print literacy level on oral second language acquisition. In N. Faux (ed.) *Low-educated second language and literacy acquisition: research, policy and practice* (pp 99-122) Richmond, VA: The Literacy Institute at Virginia Commonwealth University.
Watts, D.L.E. & D. M. Lake (2004) *Benchmarking adult rates of second language acquisition & integration: How long and how fast?* Final Report Retrieved 4/12/2007 from http://wwwlanguageca/pdfs/Benchmarkingper cent20Adultper cent20Ratesper cent20ofper cent20Secondper cent20Languageper cent20Acquisitionper cent20andper cent20Integration1pdf

[51] Ross, S. (2000). Individual differences and learning outcomes in the Certificates in Spoken and Written English. In G Brindley (ed.), *Studies in immigrant English language assessment*, Vol 1, pp 194 -214. Sydney: NCELTR, Macquarie University.
Rado, M. (1995). Strategies for expanding learning opportunities for NESB adult literacy learners *Prospect*, 10, 3, pp. 59-74.
Wakeland, L. (1989). Expanding assessment procedures for low level learners *Prospect*, 4, 3, pp. 51-60.
Wigglesworth, G. (2003). Rotating the kaleidoscope: The role of cultural, social, educational and individual factors in language learning. In G. Wigglesworth (ed.), *The kaleidoscope of adult second language learning: Learner, teacher and researcher perspectives* (pp 3-17). Sydney: NCELTR, Macquarie University
Wigglesworth, G., & H. Nicholas (2003). Reflections on the patterns from the kaleidoscope. In G. Wigglesworth (ed.), *The kaleidoscope of adult second language learning: Learner, teacher and researcher perspectives* (pp 291-298) Sydney: NCELTR, Macquarie University.

	However, particularly for those in this group, important **non-language outcomes** were found to be acquired before significant achievement in English language, including confidence and a sense of social, psychological and emotional support in the new life and learning environment; knowledge of social institutions; cultural awareness; learning skills; goal clarification; and motivation.[52] These findings bear out the importance of distinguishing between system and life outcomes, and their inter-relationship (section 2.2). There is **no basis in research or practice supporting the current AMEP entitlement of 510 hours intensive English** for those with less than functional English. The figure was determined in 1992 by averaging AMEP statistics on the length of time it took learners to reach ISLPR Level 1+, irrespective of their starting point or how long they had been in the program (which was anywhere between 1 day and two years). The data base on which this calculation was based was both incomplete and defective, and included duplicated records.[53] The entitlement was a policy decision directed towards defining and narrowing the AMEP's role, which, following 1992 Migration Laws Amendment, was directed towards settlement for new arrivals with low English proficiency, as distinct from its previous more open-ended role of provision of English tuition in response to needs.[54] The Skills for Education & Employment (henceforth SEE) Program entitlements have likewise stemmed from policy and resourcing initiatives, rather than any evidence-based assessment of need.

The research outlined above is sufficiently well established to guide policies for effective English provision for migrants to Australia and their children. However, as will be detailed in this submission, current policies are anything but evidence-based, with the possible exception of Early Childhood Education & Care.

In schools, a fundamental issue is **data collection**. An agreed nationally consistent means of identifying EAL/D learners is currently lacking and urgently required for use by schools, State/Territory education departments, the Commonwealth and national agencies such as the Australian Curriculum, Assessment and Reporting Authority (ACARA) (see section 3.4.4). Currently, EAL/D students are not effectively "flagged" at their points of entry into the school system, identification processes are incomplete and lack crucial detail (for example, in regard to previous years of education) and/or not maintained as students move through schooling. Without these data, it is impossible to assess with any accuracy how long it takes EAL/D learners to reach age-appropriate English norms in Australian schools. This lack of data is also a major contributor to the radical undermining of English language provision that is current underway in schools (see section 3.4.3 ff.).

As is indicated Table 1, English tuition entitlements for adult new arrivals were determined by political imperatives that generated a statistical sleight of hand. The amount of tuition time in the AMEP and SEE Program cannot bring the target group to anything remotely near English competence. However, in one respect the outcome has been beneficial because these entitlements are protected in legislation. ACTA is opposed to any move that would undo this protection. We believe the new 2017-2020 AMEP contracts include an attempt to circumvent

Williams, A. & H. Nicholas (2005). *Responding to younger learners with minimal or no schooling* AMEP Research Centre, Fact sheet, Teaching Issues 6, http://wwwnceltrmqeduau/pdamep/factsheetshtml.

[52] Jackson, E. (1994). Non-language outcomes in the Adult Migrant English Program. Sydney: NCELTR, Macquarie University.

[53] Moore, H. (2001). Although it wasn't broken, it certainly was fixed: Interventions in the Adult Migrant English Program 1991-1996. In J. Lo Bianco & R Wickert (eds.) *Australian Policy Activism*, Language Australia Pty Ltd, pp. 93- 120.

[54] Martin, Shirley 1996 *New Life New Language*, National Centre for English Language Teaching & Research, Macquarie University. p. 32.

this legislative protection by downgrading parts of provision (see section 3.5.2). More generally, since it began English language provision for adults has been driven by inter/intra-departmental delineations of responsibilities, and hence a lack of coherence and direction (see section 3.5.3). As the Centre for Policy Development has recently reported, "fragmentation of government responsibility for resettlement" characterises the whole resettlement area with "highly detrimental" effects.[55]

Research is clear that minimal/no literacy in a first/other language makes learning a new language a significant challenge. We now detail these challenges as they apply to refugee youth.

2.4 The special needs of refugee youth with minimal/no previous schooling

We have not been able to access data on the educational backgrounds of those admitted through the humanitarian program, and we are unsure if it exists (see section 6.3).[56] However, it is clear that numbers of refugee youth have arrived in Australia with highly disrupted/minimal/no previous education.

A known risk factor in anti-social behaviour by young people and the formation of gangs is academic failure, especially in the middle years of school (see section 7). Clearly, this risk is not particular to migrant-background youth. In regard to those in contact with the justice system, we could not locate data on either their length of time in Australia or their educational backgrounds in Australia or prior to arrival (see section 6.3).

Whether or not refugee youth with minimal/no previous education have any connection with youth gangs, a concern for their successful settlement means that ways must be found to accommodate their learning (and other) needs. Central to these needs is gaining sufficient English to place them on pathways to further training, education and employment (section 5.3). These pathways demand English that extends beyond the Basic Interpersonal Skills (BICS) that we referenced earlier in Table 1.[57]

Deficit-focussed perspectives on this group's needs are not the most productive.[58] Teachers, others who work with these youth, and the young people themselves emphasize the importance of building on their strengths and harnessing their ambition to succeed. As a teacher quoted in one report said:

> *These kids have tremendous skills and knowledge in a whole range of areas. They're not to be underestimated in terms of their intelligence or ability. It's just that they haven't had the opportunity to develop those areas that are required to participate fully here.*[59]

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[55] Centre for Policy Development (Feb 2017). Settling Better: Reforming Refugee Employment and Settlement Services, pp. 33-34 https://cpdorgau/2017/02/settlingbetter/

[56] The Multicultural Youth Advocacy Network (MYAN) has extensively analysed data on refugee youth but these analyses do not include information on education prior to arrival. See http://wwwmyanorgau/file/file/CALDper cent20Censusper cent20Reportper cent202014pdf and http://wwwmyanorgau/file/file/MYANhumanitarianYouthArrivalstoAustralia_2014-2015pdf

[57] The Queensland study we describe in Table 1 has not been able to access any data on achievement in NAPLAN scores *vis à vis* previous education or length of time in Australia - personal communication from the research team.

[58] Woods, A. (2009). Learning to be literate: Issues of pedagogy for recently arrived refugee youth in Australia. *Critical Inquiry*, 6, 1-2, pp. 81-101. http://www.tandfonline.com/doi/abs/10.1080/15427580802679468

[59] Moore, H, H Nicholas & J Deblaquiere (2008) 'Opening the Door': Provision for Refugee Youth with Minimal/No Schooling in the Adult Migrant English Program Project 21: 'Modes of Delivery for SPP Youth' Sydney, Macquarie

Identification of the key characteristics of refugee youth with minimal/no previous schooling gives some idea of the long term educational challenges they face and the degree and duration of English language support required. Five sub-groups can be distinguished, as outlined in Table 2.

Table 2: Overview of differences in educational backgrounds of refugee youth with minimal/no previous schooling[60]

SUB-GROUP	BRIEF DESCRIPTION
(1) Those with no English whatsoever, no literacy in any language and no previous schooling.	Come from societies that do not use written language, for example, Dinka tribespeople and herders in the rural areas of southern Sudan. No previous knowledge of literacy or even that speech can be written. Need to learn pre-literacy skills, e.g. that writing is sequential, pages are numbered. Other learning needs are telling the time, spatial/temporal/numerical concepts, and the basic cosmological, geographical, historical and scientific understandings that come with school learning.
(2) Those with no English and no schooling but who have been exposed to literacy in the wider society.	Have experienced literacy in the wider home or transit society even though they have not attended school, e.g. some from northern Sudan, Syria, Egypt & Pakistan. Need to acquire the fundamental concepts gained from schooling but may have some pre-literacy skills and basic formal knowledge.
(3) Those who may have a little spoken English, no English literacy, minimal schooling, and a few literacy skills in a language other than English.	Have had very disrupted schooling in their home country or in refugee camps, having come from war zones as in parts of the Middle East and Africa. Some males have some literacy in Arabic from studying the Koran. They may have a few phrases in English picked up along the way. Can be described as semi-literate, which is an important step because they know what literacy "is".
(4) Those with some fluency in a variety of English as their second/other language, little or no English literacy, some schooling and some literacy in a language other than English.	Have had schooling considered normal in their own country but inadequate for enrolment in age-equivalent classes in Australia, e.g. taught by a child from the grade above or in classrooms with one book for each grade. May have varying degrees of fluency in English varieties that Australian English speakers perceive as hard to understand, e.g. some Liberians and those who have spent long periods in Kenyan camps. Relatively high oracy commonly not matched by literacy skills.
(5) Those in any of the above groupings who also have specific cognitive and learning disabilities.	The incidence those with disabilities can be expected to be higher among those who have been exposed to the kinds of trauma many refugees have experienced.

In assessing the effectiveness of settlement services, a key consideration must be the access and adequacy of English language provision for these young people. We explore this question in section 3.6 and document best practice in section 4.4.

University: AMEP Research Centre, p 42.
http://wwwameprcmqeduau/docs/research_reports/research_report_series/Opening_the_doorpdf

[60] from Moore et al ibid, pp 31-33.

2.5 Conclusion

The long-standing pre-occupation with "migrant settlement outcomes" by governments, independent authorities and numerous researchers reflects a basic unease about immigration in Australian society, despite consistent evidence over the decades that migration has been overwhelmingly successful for migrants and beneficial to the nation.[61]

ACTA welcomes the Inquiry's "particular consideration" of the "social engagement of youth migrants" in the context of a total review of settlement outcomes from the migration program. We hope the Inquiry will find it useful to frame its report in the light of the distinction and complementary relationship between *systemic* and *life* outcomes, the two-way and inter-dependent settlement process denoted by the term *"contexts of reception"*, and the positive participatory goal of *active citizenship*, especially as it applies to migrant-background youth.

In dealing with the vast amount of knowledge that now exists in this field, we also hope the Inquiry will seek inspiration by engaging with grass-roots practitioners, visiting sites where best practice can be found, and engaging with what has been established in both research and practice about the learning and teaching of English as an additional language/dialect. For the benefits of migration to continue, it is incumbent on political leaders to go beyond unfounded populist beliefs and fears, and to develop and speak from evidence-based research and policies, building on the wealth of knowledge and experience that exists and is readily available within their own agencies and beyond.

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[61] See for example The Social Costs & Benefits of Migration Into Australia, DIAC 2007, whose "main conclusion" is that the "social benefits far outweigh the costs, especially in the longer term" p. 12; https://www.dss.gov.au/sites/default/files/documents/01_2014/contents_exec_summary_and_intro_access.pdf

3. Term of Reference 1:

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

3.1 Settlement services: For whom? what is the scope?

As just stated, ACTA welcomes the Inquiry's particular consideration of the "social engagement of youth migrants" within the wider context of settlement services. Even if the Inquiry's prime focus is migrant-background youth (a point about which we are unclear), settlement outcomes across the whole age spectrum are relevant, since a young person's family situation (or absence of one) plays a key role in both the factors that foster their social engagement and those putting them at risk of anti-social activities (see section 7).[62]

It follows that:

- inquiring into migrant-background youth settlement outcomes must consider services for the full gamut of new arrivals in at least their first five years in Australia
- services for children and young people that are not administered and funded as "settlement" services may have played a crucial role in some young people's current anti-social behaviour, most notably their experience at the lower and mid-levels of the school system
- the most effective services in preventing migrant-background youth alienation might seem very far removed from those serving young people, for example, pre-school education.

Hence ACTA believes that a test of genuine concern for remedying the problem of anti-social behaviour by migrant-background youth will be the Inquiry's consideration of how settlement services for *all age groups* are – or are not – creating the conditions for positive outcomes for both *current* and *future* generations of these youth. We recommend on this matter as follows.

See next page

[62] Al-Deen, T J & J Windel (2015) The involvement of migrant mothers in their children's education: cultural capital and transnational class processes International Studies in Sociology of Education, 25, 4, 278-295 http://wwwtandfonlinecom/loi/riss20

Major, J, J Wilkinson, K Langat, & N Santoro (2013) Sudanese young people of refugee background in rural and regional Australia: social capital and education success *Australian and International Journal of Rural Education* 23, 3, pp 95-105https://wwwresearchgatenet/publication/265907684_Sudanese_young_people_of_refugee_background_in_rural_and_regional_Australia_social_capital_and_education_success

Santoro, N & J Wilkinson (2016) Sudanese young people building capital in rural Australia: the role of mothers and the community *Ethnography and Education*, 11, 1, pp 107-120 https://wwwresearchgatenet/publication/265907684_Sudanese_young_people_of_refugee_background_in_rural_and_regional_Australia_social_capital_and_education_success

Wickramaarachchi, N & E Burns (2016) Sudanese Humanitarian Migrants in Australian Refereed Journals *Australasian Review of African Studies*, 2016, 37(2), 80-106 http://afsaaporgau/ARAS/2016-volume-37/

4. ACTA recommends that the JSCM's investigation of its first Term of Reference include consideration of:

i. where **failures in previous settlement services** for *previous* migrant cohorts of all ages have contributed to poor outcomes for today's migrant-background youth

ii. whether these same failures **persist** and, if so –

iii. how these failures **should be remedied** to prevent poor migrant-background youth settlement outcomes in the future.

This section, therefore, covers English language and related provision across the spectrum of children, adolescents and adults. We focus mainly on provision in the first five years after arrival, extending our discussion as relevant.

3.2 English language provision in the context of the National Settlement Framework

A good starting point for an answer to the Inquiry's first Term of Reference is the ***National Settlement Services Outcomes Statements,*** which was launched in May 2016, after four years of development and consultations by the Settlement Council of Australia.[63] These Outcomes Standards are directed to the priority areas listed in the ***National Settlement Framework***, which, as we outlined in 2.2.1 is the policy framework currently agreed by all Commonwealth, State & Territory, and Local Governments. The aim of the Outcomes Standards is to:

> drive improvements in the outcomes of settlement service provision, such that clients who access these services experience a consistent level of support that enhances their potential for effective settlement.[64]

In regard to "Education and Training", within which ACTA's concerns mainly lie, the Outcome Standard is stated as follows:

> Education and Training pathways are available and accessible to new arrival communities and have an evidence-base of sustainable outcomes. This outcome standard recognises that linkages with education and training pathways are a critical component of an integrated settlement services system. (p. 6)

Six "indicators" are specified under this heading. We summarise the first five and quote the sixth in full:

i. English to support workplace readiness
ii. recognition of pre-arrival competencies and facilitation of further training
iii. integrated opportunities for work experience, etc
iv. responsiveness to challenges faced by humanitarian entrants
v. counselling and support re workplace requirements
vi. "education and training provide integrated and intensive English language support to facilitate learning". (p 6)

[63] http://www.scoa.org.au/announcements/national-settlement-service-standards-project
[64] Settlement Council of Australia National Settlement Services: Outcomes Standards, June 2015, p. 4.

Clearly, these indicators have been developed with a focus on adult migrants. Some aspects of other Outcome Standards (notably "Health and Wellbeing", "Civic Participation", "Family and Social Support") could be very broadly interpreted to include English support services for children. However, we note that the Appendix in the *National Settlement Framework* includes English as an additional language (EAL/D) programs in schools and early childhood services.[65]

ACTA believes the indicators in the "Education and Training" Outcome Statement should be further developed to become more explicit regarding services in the school and Early Childhood sectors. This task presumably requires authorisation by the Senior Officials Settlement Group (see section 2.2.1). We recognise that developing standards for English language provision in the school sector lies in the difficult terrain of Commonwealth/State/Territory relations. We hope that the goodwill and common purpose that has allowed development of the Framework and existing Standards provide a basis for further progress. However, as will become clear in section 3.4, the effects of current policy priorities will need to be squarely confronted.

In this section (section 3), we mainly consider *deficiencies* in the mix, coordination, extent and effectiveness of services. Section 4 addresses the Inquiry's second Term of Reference and considers how "best practice strategies" might remedy these deficiencies and improve provision in each area.

In the remainder of this section, we detail our concerns regarding English and related provision in the following areas:

1. Early Childhood Education & Care
2. the schools sector
3. adult migrants
4. refugee youth with highly disrupted/minimal/no previous education.

Our concerns are underpinned by the assumptions we outlined earlier in section 2.

[65] https://wwwdssgovau/settlement-and-multicultural-affairs/publications/national-settlement-framework p 8

3.3 PROBLEMS IN EARLY CHILDHOOD EDUCATION AND CARE

3.3.1 Why is Early Childhood Education relevant to this Inquiry?

Early childhood education and care (henceforth ECEC) may seem far removed from this Inquiry's concerns. However, the evidence is overwhelming that quality ECEC plays a crucial role in long-term life trajectories for *all* children – not least those of migrant-background – including mitigating risk factors that lead towards adolescent anti-social behaviour.

In both policy-making and research, findings and statements of principle regarding access to ECEC are universally accepted. In 2016 all Australian governments signed on to the *National Partnership Agreement on Universal Access to Early Childhood Education* for 2016 and 2017. Universal access to ECEC was defined as follows:

> Universal access to early childhood education ensures that a quality, early childhood education program is available for all children in the year before full-time school (often referred to as preschool or kindergarten). The program is to be delivered by a qualified early childhood teacher for 15 hours per week or 600 hours a year, with a focus on participation by Indigenous children, vulnerable and disadvantaged children.[66]

The 2008 Council of Australian Governments (COAG) defined "qualified" as "four year university qualified" and agreed that costs should "not create a barrier to participation".[67] A *National Quality Framework* (henceforth NQF) has been developed in line with this commitment and *National Quality Standards* (henceforth NQS) exist within this Framework.[68]

Equally well-established is acceptance that lack of access to ECEC puts children at risk. For example, the Senate Education and Employment References Committee 2014 *Inquiry into the Delivery and Quality of Affordable Early Childhood Education and Care Services* agreed on "the significant benefits of ECEC, as well as the risks inherent in failing to ensure that quality services are available to all families" and acknowledged the "multifaceted and detrimental effects of absent or substandard ECEC, particularly on vulnerable and at risk children".[69] As one submission pointed out:

> Learning begins from birth and in the womb. Everything we can do to support that learning in utero and then from the moment the child is born will make a difference to that child … We all pay the price for that, because these are people who will not work, who are likely to end up in our juvenile justice system and jail system and so forth. So that focus on learning is one of the biggest shifts in NQF reform (2.25, p. 12)

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[66] https://wwweducationgovau/news/universal-access-early-childhood-education-will-continue

[67] https://docseducationgovau/system/files/doc/other/dae-department_of_education_ecec_collection_review_final_07-09-2015_2pdf , p i

[68] http://acecqagovau/national-quality-framework; http://wwwacecqagovau/national-quality-framework/the-national-quality-standard

[69] http://wwwaphgovau/Parliamentary_Business/Committees/Senate/Education_and_Employment/Affordable_early_childhood, 226, 227, p 13; see also http://wwwaphgovau/Parliamentary_Business/Committees/Senate/Education_and_Employment/Future_of_the_childcare_sector/Report/index

The 2014 Productivity Commission report on *Childcare and Early Childhood Learning* found that:

> The benefits of quality early learning in the year prior to starting school are largely undisputed, with evidence of immediate socialisation benefits for children, increased likelihood of a successful transition into from schooling and improved performance in standardised tests results in the early years of primary school as a result of participation in preschool programs.[70]

Similarly, the 2014 *Early Childhood Agreement for Children in Out-of-Home Care*, developed by the Victorian State Government with various agencies noted the long-term effects of ECE:

> Children from a disadvantaged background who attend pre-school, demonstrate much better levels of attainment when beginning school compared to those with similar backgrounds who do not attend pre-school. Coping well and adjusting to changes during the transition to school is associated with future academic achievement, stable peer relationships and better school attendance and completion.
>
> A comparison of NAPLAN results at Year 3 and kindergarten attendance, controlled for other factors, demonstrates a strong beneficial impact from attendance at a kindergarten program where the teacher had a degree or diploma in early childhood. This highlights the critical importance of the quality of the ECEC educator in maximising the benefits for children.[71]

Quality ECEC is particularly significant for migrant families in achieving positive settlement outcomes. It is where children who speak languages other than English in the home can most productively begin learning English, as we outlined earlier (section 2.3 Table 1). For migrant parents/carers of young children, access to ECEC is crucial to their pursuit of positive settlement outcomes. It enables them to attend English classes, undertake (re-)/training and education, and enter the workforce.

Nevertheless, evidence exists that ECEC provision is not reaching migrant parents/carers and their children, as we now outline.

3.3.2 Access to ECEC by migrant/refugee children

The 2014 Productivity Commission Inquiry reported that "children who are not exposed to English in their homes … would benefit most from some early learning but many are attending less than other children".[72] The reasons were "because parents do not see the benefits of ECEC attendance or find the costs prohibitive; or because services are unavailable at a local level or are unwilling to take children with particular needs" (p. 9). The Commission found in favour of overcoming barriers to access by ensuring cultural appropriateness and costs that fall within family budgets, and addressing additional needs.[73]

[70] http://wwwpcgovau/inquiries/completed/childcare/report/childcare-overviewpdf p6
[71] http://wwweducationvicgovau/Documents/childhood/providers/edcare/ecagrchildrenoutofhomecarePDF pp 6-7
[72] http://wwwpcgovau/inquiries/completed/childcare/report/childcare-overviewpdf pp 9, 15, 29
[73] http://wwwpcgovau/inquiries/completed/childcare/report/childcare-overviewpdf pp 15, 29

Earlier in 2013, the Australian Institute of Family Studies found that, along with Indigenous children, those from migrant-background families, and particularly recently arrived refugees, were at highest risk of missing out on pre-school.[74] Further:

> In part, this was seen to be related to language and cultural barriers; however, children from more recently arrived communities in Australia, particularly refugee families, were seen to be more at risk than those from more established communities of not attending or having less positive experiences of ECE programs because of issues of language and culture. Parents from more recently established migrant groups were also seen to have less knowledge of the services available to them and the potential benefits of ECE programs.[75]

The investigation found that lack of knowledge of services was linked to a common assumption that if pre-school is not part of a school, it is not important. Financial pressures and priorities were also factors.

In its submission to the 2014 Productivity Commission Inquiry into *Childcare and Early Childhood Learning*, the Human Rights Commission elaborated on how financial issues impact on parents/carers' ability to pursue positive settlement outcomes in regard to learning English, undertaking training and gaining employment:

> 35. Lack of access to early childhood education and care is a factor that limits the ability of parents, particularly newly arrived mothers, to attend English classes and other training programs. For example, the Federation of Ethnic Communities Council of Australia has raised the issue of childcare subsidise [sic] only being available for women studying at Certificate II level or higher not for women studying TAFE-provided English as a Second Language classes.

Childcare is available to those enrolled in the Adult Migrant English Program (AMEP), which offers those with very low/no proficiency in English approximately six months' tuition (and longer in some cases). As with TAFE classes and training programs, the SEE Program for employment seekers, does not. (These programs are discussed in section 3.5 below).

The Human Rights Commission submission continued:

> 36. The cost and availability of public transport can also be a barrier, especially in rural and regional areas. Lack of awareness of eligibility for childcare can also be a barrier to accessing early childhood education and care services for newly arrived migrant women. Better access to early childhood education and care services would improve access to vocational training and better prepare newly arrived migrants for local workplaces.[76]

In regard to cultural issues, this submission noted that the NQS includes standards relevant to "cultural competence" and that "services need to have the capacity to access cultural competency training, resources and ongoing support, in order to meet the NQS". Further:

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[74] What is understood by *pre-school* and *kindergarten* varies among States/Territories In this submission, we use the terms interchangeably to refer to non-school-based educational provision in the year(s) before a child enters formal schooling, which is assumed to be at age 5

[75] https://aifsgovau/publications/access-early-childhood-education-australia/4-understanding-access-early-childhood We commend this report to the Inquiry for its careful and comprehensive analysis, including how refugee care givers can experience disadvantage more generally

[76] http://wwwpcgovau/inquiries/completed/childcare/submissions/initial/submission-counter/sub455-childcarepdf p 9

> Community consultations conducted by FECCA included the issue of cultural competency … adding that the childcare sector could benefit from having childcare workers that better reflect the ethnic background of the children they cared for.[77]

ACTA is particularly concerned about **access to ECEC for children of mothers/carers with minimal/no literacy skills.** It is important to ensure that children are not excluded because of a lack of parental/carer literacy, which itself disadvantages children's educational achievement.[78]

Widespread recognition clearly exists in regard to the problem of access for particularly vulnerable children. ACTA commends the NQF's provision for "an Inclusion Agency in each State and Territory … to help services provide a quality inclusive environment for children with additional needs, including children with disability, children from culturally and linguistically diverse backgrounds, children from a refugee background and Indigenous children".[79] We believe that the Inquiry should include a review of progress towards these Agencies in its work.

3.3.3 Conclusion

From the evidence described above, it would seem that the importance of quality ECEC is clearly recognised for the general population, together with its particular role in ensuring positive settlement outcomes for migrant and refugee families. It is pleasing that the problems facing migrant/refugee families in accessing to ECEC also have the attention of policy makers.

The specific problems for this group would appear to relate to:

1. **providing information** on the benefits of ECEC and how it can be accessed
2. **cross-cultural and linguistic issues**
3. **financial barriers** and a lack of financial support for those learning English and undertaking training.

ACTA cannot stress too strongly the key role of ECEC in facilitating positive settlement outcomes and the positive engagement of migrant-background young people as they progress into adolescence. We believe that this area merits serious consideration by this Inquiry. Our recommendations regarding ECEC will be made in the context of our discussion of best practice in this area (section 4.1).

[77] http://wwwpcgovau/inquiries/completed/childcare/submissions/initial/submission-counter/sub455-childcarepdf
[78] https://www2edgov/pubs/OR/ResearchRpts/parlithtml p 15
[79] http://wwwacecqagovau/educators-and-providers1/inclusion-and-professional-support-program-agency-contact-details

3.4 PROBLEMS IN THE SCHOOL SECTOR

We introduce this section with a brief description of the school population that is properly referred to as *EAL/D learners*. We then outline the history of their progressive erasure as a policy focus at Commonwealth and State/Territory levels, and the effects of current school-based management policies. Finally, we report on the second survey undertaken by ACTA with our members in schools and their grass-roots perspectives on the current situation.

3.4.1 Who are EAL/D learners?

In the school sector, *English as an Additional Language or Dialect (EAL/D) learners* are students who have language backgrounds other than English (LBOTE) ***and*** who are learning English as their second or additional language or dialect. For the purposes of this submission, as explained earlier (section 1.3.2), we use the term *"*speaker/learner of English as an additional *dialect"* to refer to those Pacifica and Caribbean students who are learning Standard Australian English as their second/additional dialect at school.

EAL/D learners in schools can be newly arrived in Australia *or* Australian-born *or* have spent most or part of their lives here. They may have:

- begun school in Year 1 and **come from a home where the main/only language is a language/dialect other than English**
- entered higher Years in an Australian school with their **previous formal schooling being highly disrupted, minimal and non-existent**
- entered higher Years in school with **schooling equivalent to that of their Australian-born peers**.

EAL/D learners are defined by the fact that they are in *the process of* becoming bilingual or multilingual users of English. They bring to the learning task a range of cognitive, linguistic, cultural, experiential, personal and other resources, on which schools can build or disregard.

Developing proficiency in English is essential to achieving success in school. Failure to develop the language and literacy of schooling affects school completion, further learning opportunities, employment prospects, civic participation and personal wellbeing. It also imposes long-term costs on society through impaired social cohesion and mobility, reduced productivity and increased welfare support.

Effective English language provision for EAL/D learners in schools is therefore fundamental to ensuring educational access and equity, and giving all children the opportunity to achieve their educational potential. It is a key part of government investment in high quality schooling.

While EAL/D learners come from different socioeconomic backgrounds, and other factors may contribute to their difficulties in school, a *prima facie* disadvantage arises from having insufficient English to access, participate and succeed in the English-medium school curriculum.

ACTA, through its affiliate associations, estimates that there are currently over 300,000 EAL/D learners requiring English language support in schools throughout Australia. In the absence of any national reporting on EAL/D students as we describe below (section 3.4.4), this kind of estimate are the only data available for this target group.

Australia's culturally and linguistically diverse population means that EAL/D learners will continue to be a significant component of the student population. In the coming decade at least, immigration will constitute a major proportion of Australia's population growth, while international crises will continue to put pressure on Australia's refugee and humanitarian intakes.[80] To meet this challenge, building national capacity and responsiveness through a strong government-supported education system of EAL/D provision is essential.

3.4.2 Background to the current situation

Commonwealth provision for EAL/D learners began in 1969 as the Child Migrant Education Program. In the late 1970s and during the 1980s, it developed into targeted provision of specialist staffing, underpinned by system-wide, tied funding arrangements and, to some extent, program-specific accountability requirements. Contemporary research, backed by successive large scale, international studies on the school-based learning outcomes of immigrant language minority students in OECD countries, showed that most EAL/D learners need five to seven years of English language and literacy support to close the gap in academic performance with their English speaking peers (see section 2.3 Table 1).

Acknowledging these findings, and supported by all State/Territory and Commonwealth governments over four decades, the ESL program's New Arrivals and General Support elements became Australia's front-line response to the immediate and longer-term English learning needs of migrant and refugee students.

Table 3 below outlines the key elements of EAL/D policy for Australian schools, which constituted a transparent, coherent system of support for EAL/D learners.

See next page

[80] Cully, M. & L. Pejoski, L. (2012) Australia unbound? Migration, openness and population futures. In A Greater Australia: Population, policies and governance. Committee for Economic Development. p. 70.
Most recently, the decision in 2015 to resettle 12,000 Syrian refugees in addition to Australia's normal humanitarian intake. http://www.smh.com.au/federal-politics/political-news/abbott-government-agrees-to-resettle-12000-syrian-refugees-in-australia-20150909-gjibqz.html

Table 3: ESL as a specific-purpose Commonwealth program – key elements of the support infrastructure

PROGRAM OBJECTIVE	Supporting English language learning for full participation in the mainstream curriculum.
TARGET GROUP	Students learning English as their second/additional language.
PROGRAM STRUCTURE	ESL New Arrivals & ESL General Support funding programs.
RESOURCING	Tied funds, special funding mechanisms (*New Arrivals Program per capita grant, General Support funding index*).
PROGRAM DELIVERY	Specialist EAL/D staffing teaching intensive and post-intensive programs targeted to different needs and contexts (content-based language teaching, language-based content teaching) through diverse modes of delivery (e.g. EAL/D parallel classes, collaborative teaching; use of EAL/D specialists as a whole school resource).
CURRICULUM & ASSESSMENT	State-based EAL/D curricula, English assessment frameworks (e.g. *ESL Scales, ESL Bandscales, EAL/D Learning Progression)*. See Appendices A-C.
ACCOUNTABILITY & REPORTING	Financial acquittal, reporting on program participation/ processes/ outcomes, financial audits and program reviews.
PROFESSIONAL KNOWLEDGE & EXPERTISE	Development of specialist EAL/D materials, curriculum & assessment frameworks; EAL/D consultants assisted schools & teachers, and provided policy advice; whole-school professional development on EAL/D; TESOL teacher qualifications requirements; pre-service & postgraduate teacher education in TESOL; higher degrees & research in TESOL and Applied Linguistics; career paths & promotion possible for EAL/D specialists.

This program infrastructure took shape in most State/Territory central offices, school ESL programs and teacher education departments. During the late 1980s and through the 1990s, it gave rise to internationally recognised best practice in Australian EAL/D curriculum, materials and assessment, pedagogic practice and professional development, research and teacher education for both specialist EAL/D and other teachers (section 4.2.3).[81]

The ESL Program served Australia's national interest as a dedicated national educational access and equity strategy. In responding to students' English learning needs consequent on Australia's ongoing immigration program and linguistically diverse population, it has played a pivotal role in the success of Australian multiculturalism.

[81] Davison, C. & J. Cummins (2007). International Handbook of English Language Teaching New York: Springer Science & Business Media (Davison, an Australian, is now Professor of Education at UNSW).
McKay, P. (2006). Assessing Young Language Learners Cambridge University Press. For this book, Penny McKay, an Australian, won the prestigious 2007 Kenneth W Mildenberger Prize, awarded by the Modern Languages Association of America. For an account of her contribution to international best practice, go to: http://wwwtesolorgau/files/files/362_Penny_McKay_Articlepdf.
McKay, P. & A. Scarino (1991) ALL Manual for Curriculum Developers Melbourne: Curriculum Corporation (5th edition) Scarino is Associate Professor in Applied Linguistics and Director of the Research Centre for Languages and Cultures, University of South Australia.

3.4.3 National policies devolving responsibility for EAL/D learners

In recent years, school autonomy and school-based management policies have been pursued as key education reforms by Commonwealth and State/Territory governments of both major parties. However, in placing responsibility for the management, resourcing and provision of EAL/D support directly on schools, these policies have progressively eroded the national policy framework just outlined in Table 3.

School-based management policies can be seen as yet another chapter in the long history of contestation between the Commonwealth and States/Territories over tied funding in general, and ESL in particular.[82] From the mid-1980s, State and Territory pressure for untied, flexible funding for schools resulted in the Commonwealth Government progressively devolving ESL funding responsibility to State/Territory governments through two restructures of the New Arrivals and General Support grants, as shown in Table 4 below.

Table 4: Commonwealth devolution of ESL to States and Territories

1994 - 1996	ESL New Arrivals & General Support Programs specific purpose programs – funds allocated to States as ***tied grants*** *(Keating Government).*
1997 – 2007	ESL General Support Program *rebadged* as a literacy program – funds allocated to States as ***broadbanded literacy funding*** *(Howard Government).*
2008 – 2015	ESL New Arrivals Program *disbanded* (in Gov school sector) – funds allocated to States as ***general education funding*** *(Rudd Government).*

Consequent on this devolution, EAL/D programs in Australian schools now face a major threat to their integrity and effectiveness. Support enabling EAL/D learners to learn English and succeed in the wider curriculum is increasingly and dramatically eroding.[83] We now detail the nature and impact of this threat.

3.4.4 Policy invisibility of EAL/D learners

EAL/D learners as an identified group have entirely vanished from national policy discourse and are progressively disappearing from State and Territory policy and planning. No longer identified in any way, EAL/D learners are becoming side-lined within systems and are no longer seen as a priority for educational support in schools.

The 'visibility' of EAL/D learners at Commonwealth, State/Territory and school levels is fundamental to the provision of EAL/D support. Three related processes are necessary to make EAL/D learners visible:

i. public reporting of **students participating in EAL/D programs**
ii. a **nationally consistent definition of the target group** for data collection purposes
iii. identification and reporting that is specifically based on **learners' English language proficiency**.

[82] Cahill, D, & A. Gundert (1996). Immigration and Schooling in the 1990s Australian Govt Pub Service
Lo Bianco, J (1998) ESL Is it migrant literacy? Is it history? Australian Language Matters, 6, 2, pp. 1 & 6-7
Moore, H. (2005). Identifying the 'target population': A genealogy of policy-making for English as a Second Language (ESL) in Australian schools (1947-1997). University of Toronto: unpublished doctoral thesis
[83] Michell, M. (1999) Wither ESL? Post-literacy prospects for English as a second language programs in Australian schools *Prospect*, 14, 2, 4-23

Public reporting was discontinued along with the national ESL program in 2000, while the second and third have yet to occur.[84] Below we explain each of these issues further.

(1) Discontinued reporting on students in ESL programs

Following its establishment by the Commonwealth Government in 1969, the ESL Program provided the basis for national reporting on English language learners in government and non-government primary and secondary schools across Australia. ESL learners were identified by education authorities on the basis of documentation of their participation in the New Arrivals program and assistance from the General Support element.

After the Commonwealth Government subsumed the General Support element as part of its broad-banded literacy program in 1997, reporting on EAL/D learners funded through this part of the ESL program ceased. In 2000, with the establishment of the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA), public reporting on those funded in the New Arrivals program ceased, although the New Arrivals Program continued until 2008.

Since the beginning of the 21st Century, then, Australia as an 'immigration nation' has lost its capacity to report on the student group that constitutes a key linguistic/demographic outcome of its immigration policies.

This national data blackout affects public policy, advocacy and educational planning at all levels. It effectively prevents public awareness about EAL/D and, except by ACTA affiliates, has largely confined advocacy to 'internal only' advice from functional units within State/Territory education systems. As we document below (section 3.4.5), these units are now also losing their focus on EAL/D.

Entailed in the disappearance of EAL/D learners from national reporting is a loss of targeted funding. For example, National Partnership programs made little or no reference to EAL/D learners. In National Education Agreements and detailed bilateral agreements and plans, the group was subsumed within low SES or underperforming literacy students. Likewise, data from NAPLAN and literacy testing obscures their existence, as we now detail.

(2) No nationally consistent definition of the target group

In 1997 a nationally consistent definition of ***Language Background Other Than English (LBOTE)*** students was developed and endorsed.[85] However, efforts to develop a nationally agreed definition of EAL/D *learners* within the larger LBOTE category did not proceed, although Education Ministers agreed that there needs to be a measure which "better identifies

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[84] For a fuller treatment of this issue, see ACTA's Submission to the Productivity Commission's draft *Report on the National Education Evidence Base* at: http://wwwpcgovau/__data/assets/pdf_file/0004/208903/subdr120-education-evidencepdf

[85] The Measurement of Language Background, Culture and Ethnicity for the Reporting of Nationally Comparable Outcomes of Schooling at: http://wwweducationcoundleduau/site/DefaultSite/filesystem/documents/Reportsper cent20andper cent20publications/Archiveper cent20Publications/Measuringper cent20andper cent20Reportingper cent20Studentper cent20Performance/Measureper cent20Languageper cent20BGroundper cent20Cultureper cent20Natper cent20Comparableper cent20Outcomespdf

See also: ACARA (2012). Data Standards Manual: Student Background Characteristics, Sixth Edition. http://www.acara.edu.au/reporting/data-standards-manual-student-background-characteristics

students whose language background has measurable effect on their outcomes".[86] As a result, the performance of LBOTE students on national literacy and numeracy tests can be reported but the performance of the EAL/D learner sub-group cannot be disaggregated and so remains hidden. In the next section, we detail what EAL/D identification requires.

In the absence of a means of identifying the EAL/D subgroup, the 1997 LBOTE definition has become a *de facto* and misleading proxy for EAL/D learners. The overall literacy and numeracy performance of the LBOTE group reflects their widely diverse English proficiency, education levels and socioeconomic characteristics, and misrepresents the actual performance of English learners.[87] Because data includes large numbers of high-performing LBOTE students (who may not be EAL/D learners), it gives false assurance that no language problem is hindering English learners' achievements.

With the growth of NAPLAN and literacy testing in the past decade, this invisibility of EAL/D learners has contributed to the misunderstanding that EAL/D learning needs can be met through English literacy support. However, literacy interventions designed on the assumption of English native speaker oral fluency do not address the needs of those who are learning English as their additional language, are orally fluent in other language(s), and who may or may not be literate in another language.[88] Inappropriate interventions are given further impetus when EAL/D learners have English conversational fluency but gaps in academic English, leading to their misdiagnosis as having special learning needs or a literacy problem (see section 2.3, Table 1 and the distinction between BICS and CALP).[89]

Allocation of Commonwealth Government needs-based schools funding for students with limited English language proficiency currently relies on a ***"disadvantaged LBOTE"*** measure. This measure also adversely affects funding for actual EAL/D learners, as shown in a recent analysis.[90] This analysis found the "disadvantaged LBOTE" measure was not a reliable proxy for English language proficiency (ELP) needs because it is essentially a low SES measure, not an indicator of English proficiency: there was a significant misalignment between "disadvantaged LBOTE" and students' English language proficiency. The analysis concluded that the "disadvantaged LBOTE" measure not only significantly *underestimates* the size of

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[86] ACARA ibid., p.9

[87] Lingard, B, S Creagh, & G Vass (2012) Education policy as numbers: Data categories and two Australian cases of misrecognition *Journal of Education Policy*, 27, 3, pp 315-333.

Creagh, S (2014) A critical analysis of problems with the LBOTE category on the NAPLaN test *The Australian Educational Researcher*, 41, 1, pp 1-23.

Creagh, S. (2016). 'Language Background Other Than English': a problem NAPLaN test category for Australian students of refugee background *Race Ethnicity and Education*, 19, 2, pp 252-273.

Sladek, R M & SM King (2016). Hidden from view? Bringing refugees to the forefront of equity targets in Australian higher education *International Studies in Widening Participation* 13, 1. http://novanewcastleeduau/ceehe/indexphp/iswp/article/view/37

[88] Cf section 3.3.4 which details the same issue in regard to adult migrants; see also Adoniou Submission 03 to the Inquiry, Appendix 1 for a full explanation.

[89] Lo Bianco, J (1998) ESL Is it migrant literacy? Is it history? *Australian Language Matters*, 6, pp. 2, pp. 1 & 6-7

Cummins, J (1984) Wanted: a theoretical framework for relating language proficiency to academic achievement among bilingual students. In C Rivera (ed.) Language proficiency and academic achievement Clevedon: Multilingual Matters.

Marshall, S (2009). Re-becoming ESL: multilingual university students and a deficit identity *Language and Education*, 24, 1, pp 41-56.

[90]Statistics Unit, Centre for Educational Statistics and Evaluation, NSW DEC (2013) Improvements and Alternatives to the Disadvantaged LBOTE Measure Report at:
http://wwwcesenswgovau/images/stories/PDF/Improvements_and_alternatives_to_the_Disadvantaged_LBOTE_measurepdf

the cohort needing EAL/D support but it also *does not capture the right students*, and therefore should not be used to identify the ELP loading for EAL/D students. It estimated that using "disadvantaged LBOTE" as a proxy for English language proficiency would mean that **74.7 per cent of the $100 million earmarked by Gonski-funding for limited English language proficiency would be misdirected to students who do *not* require EAL/D support.**

To sum up, the absence of an accurate, consistent nationally agreed approach to identifying the target group for EAL/D support has resulted in national policy stagnation and neglect as evidenced by:

i. the **absence of systematic, accountable, public reporting** of EAL/D student funding, provision and outcomes at national, state and school levels
ii. the perpetuation of **an inaccurate Disadvantaged Language Background Other Than English (LBOTE) measure** of English learning need on which Commonwealth Government needs-based schools funding is allocated to States and Territories
iii. a continued **inability to report on the literacy and numeracy outcomes** of EAL/D learners through the NAPLAN program.

(3) Need to identify the target group on the basis of their proficiency in English

In the discussion above, we have described EAL/D learners as a sub-group within the wider LBOTE category of students. This wider category includes those who have achieved age-appropriate English norms either on arrival or subsequently. It also includes those from families where one or both parents/carers are proficient bilinguals who have chosen to raise their children either as English mother tongue speakers or as fully bilingual.

EAL/D learners are distinguished by being *in the process of gaining* age-appropriate English norms and having a language other than English as their starting point and dominant/main language. Hence they are appropriately identified in relation to *English language proficiency levels* (see section 1.3.1). Some States/Territories have developed or adopted various EAL/D assessment systems, which some, but not all, use to determine EAL/D needs (see section 4.2.3 (iii) & Appendix A). However, national education data collection and reporting using the LBOTE identifier does not and cannot capture students' English language proficiency.

The importance of assessing English language proficiency was recognised in the *Final Report for the Review of the Funding for Schooling.*[91] It identified limited English language proficiency as a key disadvantage factor. It recommended a per capita loading for limited English language proficiency as part of a schooling resource standard, and specifically that this funding be based on assessed levels of English language proficiency.

[91] Gonski Report (2011) at: https://docseducationgovau/system/files/doc/other/review-of-funding-for-schooling-final-report-dec-2011pdf

Limited English proficiency may or may not be a temporary disadvantage. Clearly, some learners go on to very high achievements (see section 5.3). The point is that without an accepted *national* measure of English proficiency, there is no way of knowing for whom and how many this disadvantage persists.

In this context, it should be understood that ACTA's argument for EAL/D provision is *proactive, not remedial*. EAL/D programs aim to *prevent* limited English proficiency from becoming entrenched and/or slowing learners down in accessing the mainstream curriculum. When quality EAL/D programs are accessed early, learners with age-appropriate previous education rarely experience long-term disadvantage.[92]

Currently, Australia lacks an appropriate and nationally agreed English language proficiency framework that is capable of capturing progress in English at and across different proficiency levels and all years of schooling. It is only against such an English language proficiency framework that EAL/D students can be accurately identified.

Recent developments under the auspices of the Education Council indicate progress in this direction. The *ACARA EAL/D Learning Progression*, developed as part of the National Curriculum to describe the English development progression typical of EAL/D students, may provide a nationally recognised way of assessing English language proficiency that will allow identification of this group's English learning needs.[93] It has the potential to be used:

i. to identify the **EAL/D learner target group**
ii. to identify the relative English language learning support needs of **each school, system or jurisdiction**
iii. to analyse and report on EAL/D learners' **NAPLAN performance** at school, system or jurisdiction level
iv. as an additional indicator of educational disadvantage in the **calculation of the Index of Community Socio-Educational Advantage** (ICSEA),[94] replacing the previously used "disadvantaged LBOTE" measure.

Collaborative work undertaken throughout 2014 and 2015 involved individual jurisdictions mapping the *ACARA EAL/D Learning Progression* against their current EAL/D assessment tools. The *National Framework for Assessing English Language Proficiency* was developed (see section 4.2.3 on best practice), which the Education Council has recently endorsed. We understand that the Council is considering options for use and application of this framework, and further work to ensure its rigour and accuracy.

[92] Thomas, W. P. & V Collier (2001). A National Study of School Effectiveness for Language Minority Students' Long-Term Academic Achievement Centre for Research on Education, Diversity and Excellence. at http://cmmruscedu//CollierThomasCompletepdf
Tucker, J. T. (2006). The ESL logjam: waiting times for adult ESL classes and the impact on English learners. New York: NALEO Educational Fund http://filesericedgov/fulltext/ED527905pdf
http://scholarworksgvsuedu/cgi/viewcontentcgi?article=1606&context=theses
[93] ACARA (2014) English as an Additional Language or Dialect: Teacher Resource EAL/D Learning progression ACARA: Canberra at: http://wwwacaraeduau/_resources/EAL/D_Learning_Progression_revised_February_2014pdf
[94] http://www.schools.nsw.edu.au/media/downloads/schoolsweb/news/announcements/yr2010/jan/what_is_icsea.pdf

As the peak professional body concerned with effective English language provision for speakers of other languages and dialects, ACTA believes that a nationally agreed and consistent approach to identifying students with English language needs in our multilingual nation is long overdue. We welcome national efforts to conclude the development and adoption of the *National Framework for Assessing English Language Proficiency* and the potential it offers to inform needs-based schools funding for students with limited English language proficiency in the new quadrennium.

3.4.5 Impact of Commonwealth and State/Territory devolution policies on EAL/D provision

Since 2008, State/Territory Governments have effectively assumed full, devolved responsibility for the English language education of immigrant and refugee students enrolled in their public schools. Having assumed this responsibility, in turn these Governments have pursued school autonomy and school-based management policies, and passed the oversight, coordination, performance monitoring and development of EAL/D services from central offices to schools.

In 2014 ACTA conducted a survey of EAL/D teachers with a view to documenting their experiences of these policies. The 2014 *State of EAL/D Education in Australia* can be read on our website.[95] We repeated this survey in 2016 and are currently writing up the results. Our members' responses to both this survey and drafts of this submission provide grass-roots insights into the impact of devolved school-based decision-making on EAL/D provision across the nation, which we present in this section.

(1) At State/Territory system level

The devolution of responsibility for EAL/D provision has entailed various organisational restructures in nearly all State/Territory education systems over the last three years. The impact on this area has been direct and destructive.

Restructures have typically resulted in:

i. reductions in/disbanding of State/Territory and regional office EAL/D consultancy teams and their functions
ii. 'flexible', 'one line' budget allocations to schools
iii. little or no transparent public accountability reporting on EAL/D provision.

In Table 5 below, we document the information on restructuring made available to ACTA for this submission.

See next page

[95] http://wwwtesolorgau/Advocacy/Surveys

Table 5: State/Territory level impacts of devolution policies on EAL/D education

SYSTEM & POLICY	IMPACTS
NSW DET *Local, Schools Local Decisions 2014-2017*	• Multicultural Programs unit responsible for EAL/D programs restructured in 2015 as an Equity Unit, and down-sized • All 32 regional Multicultural ESL consultants, Community Information officers, Refugee Support officers disbanded in 2015 • State pool of 896 EAL/D FTE teacher positions retained • New 'Gonski' needs-based Resource Allocation Mechanism (RAM) allocating EAL/D teaching positions to schools piloted and implemented • Some additional EAL/D 'Gonski' funding allocated to schools as flexible funding component • Information on schools EAL/D funding/allocations not publicly available • Schools required to report on use of *New Arrivals Program funding* to meet the needs of newly arrived EAL/D students, and targeted funding to meet refugee students' needs through annual school report but few or no resources to monitor and follow up • Schools required to report on use of English Language Proficiency allocation (staffing and flexible funding) to meet English language learning needs of EAL/D students through annual school report. Little or no resources to monitor and follow up • 15 refugee support officers appointed in 2017 to assist schools in responding to the additional NSW intake of Syrian refugees.
DET Victoria **State Education** *FISO (Framework for Improved Student Outcomes)*	• EAL/D Unit down to core personnel. As with all DET units, EAL/D Unit has no curriculum development or professional learning functions. Professional learning and curriculum development has been outsourced. • Annual accountability process still in place but limited resources to follow up on actual program provision and expenditure of funding • The Victorian Education governance model is shaped around four regions. In each region there is an EAL Project Officer who is responsible for the provision of advice to schools in relation to EAL learners. • Awaiting the outcomes of a review of the New Arrivals Program • Tools for enhancing Assessment Literacy (TEAL) initiative in process • New Victorian Certificate in Education (VCE) EAL curriculum developed (Years 11-12) • New Foundation -Year10 EAL curriculum in process of development.
South Australia **DECD**	• EAL/D program subsumed into Literacy Secretariat, then Numeracy and Literacy Secretariat, now Learning Improvement Division; able to undertake normal activities (albeit with fewer resources); minimal input into mainstream agendas; EAL/D consultants merged into Literacy and Numeracy team and not identified as EAL/D • EAL/D program down-sized with regionally based EAL/D consultants disbanded • Limited support and capacity to provide sustained professional learning courses • Minimal influence on partnership and school professional learning agendas • Reduced capacity to support geographically isolated new arrivals • EAL/D Program currently under review with uncertainty as to future • Mainstream planning makes no allowances for modification or consideration of the needs of new arrivals and EAL/D students.

Catholic Education SA	• EAL/D professional network has been disbanded • EAL/D teacher funding has been devolved to schools.
Qld **Department of Education**	• New untied, funding allocation model for EAL/D staffing based on English "failure" being introduced • Only students tagged NESB with a D, E or N in English Key Learning Area to be funded, regardless of date of arrival, so LBOTE students failing subject English will receive funding – thus confusing EAL/D and Learning Support. • Refugees funded separately up to 3 years • Other funding coming through top-up grants directly to school but not always used to support these students • Many schools combining Learning Support/Special Education with EAL/D to minimise number of staff in school • Further cuts to come in 2018/2019 • Only schools with high refugee numbers have benefitted; many other schools have had EAL/D funding cut and schools which previously had EAL/D support no longer offer it.
WA **Department of Education** *Independent Public Schools (IPS)*	• All public schools to become *Independent Public Schools* by 2019; approx. 80 per cent of schools are now IPS • EAL/D funds administered by DOE Central Office now allocated directly to schools • Funding for EAL/D new arrivals absorbed into general school budgets; likewise funds for migrant and humanitarian entrant students in their first and second year of learning English (according to visa subclass and date of arrival); principals now make all decisions about who to employ, whether to employ an EAL/D teacher, or keep the program • ESL teachers in both primary and secondary schools now assigned to mainstream classes • Intensive English Centres (which are located in schools) are now managed at the principal's discretion; senior staff downgraded, non- EAL/D qualified and/or inexperienced teachers appointed, composite IEC classes created with very different English and age groups • DOE requirements for qualifications to teach EAL/D no longer required • Families not referred to schools with intensive English programs or on-going support • 130 ESL Support and Cell programs (i.e. 1 EAL/D specialist shared between 2 schools) in primary and secondary schools terminated • ESL Visiting Teacher service terminated; this service supported primary and secondary schools with newly arrived EAL/D learners who could not access IECs with professional development, advice and resources, and assisted parents with student IEC referral and enrolment • EAL/D students often no longer monitored on the EAL/D Progress Map, because no EAL/D specialist teacher or consultant is responsible • Learners are now assessed on measures for native English speakers and receiving D grades for English and other learning areas • Newly arrived migrant and humanitarian entrants with little/no English often placed directly into mainstream classes • Mainstream teachers with limited or no EAL/D training reporting stress at being unable to cope with EAL/D learners • EAL/D consultant positions at DOE Statewide Services (previously 2-3 per district office) reduced to 3 or 4 people to cover the whole State for both EAL/D and general literacy

	• The Teacher Development Schools (TDS) initiative is replacing all services and programs that previously provided EAL/D consultancy services. Instead, one primary EAL/D TDS and one secondary EAL/D TDS school are funded to support over 800 schools throughout the State (A further TDS school will support Aboriginal EAL/D students. ESL-Indigenous Language Speaking Students program that supported Aboriginal students in remote areas no longer available.) • No EAL/D specialist consultants at Association of Independent Schools WA or Catholic Ed in Perth.
Tasmania **Department of Education**	• No information available to ACTA.
ACT **Education Directorate**	• EAL/D policy being revised • No further information available to ACTA.
NT **Department of Education**	• No information available to ACTA.

Where gaps exist in this Table, the explanation may lie in advice to us from an ACTA councillor that she was unable to obtain the requested information in her State/Territory because of prohibitions on Departmental personnel in providing it.

As has happened repeatedly in Australia, the past decade has seen sudden intakes of refugee students affected by war, family dislocation and disrupted education. Settlement patterns have also changed quickly, especially in rural and regional areas where schools lack established expertise to respond to these students.

At a time when whole system planning, monitoring and evaluation are required, and despite these on-going needs, a vacuum now exists in coordination, planning and information flows to and from State/Territory office level.

This vacuum is being institutionalised and perpetuated by the disbanding and weakening of specialist EAL/D consultants. Centrally and regionally located specialist EAL/D consultants were the crucial link between schools and system-level EAL/D planning, administration, delivery, advocacy and feedback. The consultants also enabled flexible mobilization of support to schools with EAL/D students, including in rural and regional areas with isolated EAL/D enrolments, and to schools experiencing a sudden influx of EAL/D learners. Schools and teachers now have no one to turn to for direction and support. EAL/D provision is effectively being left to chance.

Our members' responses regarding the impact of State/Territory-office restructures include the following:

> *All aspects of EAL/D services have been cut and scaled back at both a school & system level over the past 5 years!!! Significant erosion of services leaving EAL/D students at all levels of schooling at much greater risk than ever before.*
>
> *The Department of Education has systematically diminished the centrally located EAL/D team and left EAL/D programs (support in mainstream and IECs) at the mercy of mainstream admin teams.*

> *There is no EAL/D team in our State really supporting schools as per the past. There are no consultants in district office or ESL visiting teacher. There is no real voice in the Department any more for EAL/D.*
>
> *Our EAL/D support team in central office is now included in literacy. There is nobody for schools to call or get support from, except their own EAL/D teachers whose numbers are decreasing.*
>
> *The abolition of EAL/D consultants is felt. They were an important and significant source of expertise throughout all levels within our school and in our community of schools. Our school context and community has been affected with the loss of this invaluable resource.*
>
> *I am concerned that there are no longer Multicultural/ESL Consultants. They provided a critical support role, especially to teachers teaching in schools where there is only 1 EAL/D teacher.*
>
> *There is an increasing isolation felt by EAL/D teachers, especially in other schools around us. We live in a vacuum now.*

The 'collateral damage' from State/Territory level restructures reported by our members matches findings from decades of research on the implementation of devolutionary policies in self-managing schools in countries such as the USA, Canada, England and New Zealand. The advantages are clear of centrally supported EAL/D professional learning, support and leadership. Devolved education systems and the shift to flexible, bulk funding regimes have failed to meet the challenge of linguistic diversity, and inequities have increased for disadvantaged students and EAL/D learners.[96] A 2012 UK study concluded that for students learning English as an additional language:

> Decentralisation leads to inefficiencies in funding distribution; time-wasting, due to teachers and managers repeating work already done by others elsewhere; and a lack of knowledge through a lack of effective training programs…The lack of centralised control or forums for dialogue has a negative effect on provision for children and staff.[97]

Some overseas jurisdictions are now attempting to reverse these trends. For example, some US State systems are now establishing, or re-establishing, district and local level systems of ESL professional support for schools, and coordinating these efforts with ESL-focused system planning.[98] Over the past decade, the New Zealand Education Department has moved to re-establish entire systems of professional and curriculum support for schools after it was

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[96] ACTA submission to the Senate Select Committee on School Funding at: https://watesolorgau/blog/wp-content/uploads/2014/04/ACTA-Submissionpdf
Passing the buck: local schools, local solutions and ESL education in NSW Government schools at: https://wwwnswtforgau/files/passing_the_buck_-_final_report_plus_executive_summarypdf
Teachers fear 'bulk funding in new guise' at http://wwwradionzconz/news/national/306927/teachers-fear-'bulk-funding-in-new-guise'

[97] Wardman, C. (2012). Pulling the threads together: Current theories and current practices affecting UK primary school children who have English as an additional language, *ELT Research Papers*, 12-04 London: British Council.

[98] Elfers, A., T. Stritikus, K. Calaff, K. Von Esch, A. Lucero, M. Knapp, & M. Plecki (2009) Building systems of support for classroom teachers working with second language learners: A report prepared for the Center for Strengthening the Teaching Profession. Seattle: University of Washington, College of Education Retrieved 2014 from http://deptswashingtonedu/ctpmail/PDFs/ELLStudy-July2009pdf
Elfers, A, & T Stritikus (2013) How school and district leaders support classroom teachers' work with English language learners, *Educational Administration Quarterly*, 20, 10, pp 1-40.
Horwitz, A, R Price-Baugh, C Simon, R Uzzel, S Lewis, & M Casserly (2009) Succeeding with English Language Learners: Lessons Learned from the Great City Schools. Washington DC: Council of the Great City Schools.

found that three previous decades of laissez-faire devolution had failed to make any improvement in student outcomes.[99]

(2) At school level

Responsibility for the direction, management, resourcing and delivery of EAL/D provision at school level has had the following consequences:

i. increased principal discretion and 'flexible resource management' over the school's EAL/D funding and staffing
ii. lack of transparency and accountability in the allocation and use of EAL/D resources
iii. casualisation of EAL/D teaching
iv. devaluing of EAL/D teaching expertise
v. decreased professional development opportunities for teachers in schools
vi. decreased leverage for EAL/D teachers in advocating for EAL/D students' needs and erosion of specialist teaching support to EAL/D students.

(i) Increased principal discretion over schools' EAL/D funding and staffing

Essentially, school-based management policies are *principal*-based management policies. School principals now have ultimate decision-making authority over the use of EAL/D resources within their funding allocation, including trading off different teacher positions when determining staffing. Principals may choose to use EAL/D teachers for other purposes, employ casual teachers or teachers without EAL/D qualifications, make EAL/D teaching support a 'priority' one year but not the next, or alter or abandon EAL/D teacher positions and programs altogether. EAL/D programs are increasingly subject to the vagaries of principals' personal knowledge and commitment, conflicting school funding priorities and staff micro-politics within the school.[100]

Teachers' responses to the ACTA survey document the key role principals play in decision-making about their school's EAL/D program:

> *Even though there are funds generated if the school census is completed correctly, it is the principal's decision whether or not to fund an EAL/D specialist teacher and/or a bilingual education assistant.*
>
> *Our Principal makes all the decisions regarding what our EAL/D students need and who our EAL/D teachers can teach.*
>
> *The funding is controlled by a principal who doesn't understand the value of EAL/D teaching and supports large class sizes with little assistant time.*
>
> *There is less leverage on principals to allocate funds to support students in need. If the principal does not see the needs, then it is difficult to progress with further support and funding allocations.*

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[99] Cross, B. (2002). Bulk funding: A retrospective, Paper presented at the Education International (New Zealand) Conference October 2002.
Wylie, C. (2010). Tomorrow's schools' after 20 years: Can a system of self-managing schools live up to its initial aims? *The New Zealand Annual Review of Education*, 19, 5-29.
Wylie, C. & M. Wilkie (2001). Effects for Maori of bulk funding, a literature review New Zealand Council for Educational Research: Wellington, NZ.
[100] Grissom, J A, D Kalogrides & S Loeb (2015) The micro-politics of educational inequality: The case of teacher-student assignments *Peabody Journal of Education*, 90, 5, pp. 601-614. http://wwwtandfonlinecom/doi/full/101080/0161956X20151087768

> *Several changeovers of the principal position have affected the allocation of funds to EAL/D students. So, everything depends on what the principal values.*

The untying of previously tagged ESL funding and its incorporation within a single 'one-line' school budget is encouraging the pooling of EAL/D funds with other funds, as indicated in the responses below:

> *All funding for our EAL/D students has been put into the school general budget. We don't have a separate budget for EAL/D students.*
>
> *Giving autonomy to schools rather than the region means it's often integrated into other funding such as literacy or learning support and doesn't recognise EAL/D pedagogy.*
>
> *EAL/D funding is being pooled with Special Education funding, so Special Education teachers are asked to take on the role – with no ESL training.*

Increased flexibility in the use of funds has amounted to an effective re-purposing of EAL/D funding in some cases, as reported in our survey:

> *Total control by the Principal – funds, resources and staff and support diverted away from EAL/D students without consultation or ability to influence decision making.*
>
> *The mainstream school funnels off some of this money, particularly since becoming an Independent Public School.*
>
> *Principals are choosing where to channel the funds and often funds are not directed to cater for the needs of EAL/D learners.*
>
> *Funding is not being used for the purpose it is intended. There is a clear difference in levels of progress and achievement between students who were supported by EAL/D allocation prior to the changes (3 years ago) and those younger students who have not received the support they are entitled to.*
>
> *The funding needs to be used for what it was allocated for.*

Some principals devolve decision-making about use of EAL/D funding to other staff with the same perverse outcome:

> *The funding is being managed by administration staff with no EAL/D understandings of need. It is sometimes inappropriately used for other school projects.*
>
> *Admin choose to spend the funds on other things.*

A common misuse of EAL/D funding is its use as a flexible staffing supplement to solve local staffing problems, as the following responses document:

> *There's a tendency in schools to employ staff who suit their timetabling arrangements rather than staff who have knowledge and experience in EAL/D support*
>
> *Leadership team has decided not use EAL/D position to support EAL/D students but to instead use position to give teachers their non-contact mandated planning time*
>
> *Dedicated classroom teacher position (part time) for EAL/D has been absorbed into general school staffing points*
>
> *The original EAL/D position has been lost in part by the need to provide release time for teachers*
>
> *Execs in primary are given EAL/D and most have no passion for the role.*
>
> *EAL/D staff is used to cover staff training and programming!*
>
> *EAL/D teaching and Deputy staff have been moved into mainstream roles.*

Such misuse of funds reflects other competing beliefs, values and priorities:

> *Students are simply not a priority. … the school knows that they won't have to worry about parents being upset with their students being marginalised.*
>
> *The school does not promote and value EAL/D and believes that EAL/D students "catch up" with mainstream.*
>
> *Since schools have become autonomous, any way to save money is looked for and very often it is at the expense of the EAL/D students.*

These competing values are underpinned by ignorance and a lack of understanding of EAL/D learner needs or how to develop an effective school EAL/D program:

> *Schools are making decisions on funding without appropriate knowledge about the needs of students.*
>
> *Across the system most schools do not have the understanding of EAL/D matters to make informed decisions about catering for EAL/D students' learning needs.*
>
> *Many of the people in decision-making positions do not have the requisite knowledge of the needs of EAL/D students.*
>
> *School leadership have very limited understanding of curricular and language learning needs of students. No real understanding of how seriously at risk many EAL/D students are of achieving secondary graduation impacting schooling outcomes in a very negative manner.*
>
> *There isn't an appreciation that we have close to 80 per cent EAL/D.*

Responses to the ACTA survey include descriptions of principals who exercise informed leadership and commitment to EAL/D education. However, the paucity of these descriptions suggests that these principals are the exception, especially since they are always contrasted with others:

> *Our Principal recognises the importance of EAL/D. I am in a school with a supportive principal; however, having been in EAL/D for 33 years and having worked under a centralised system, I'm conscious of a lack of coordination; teachers who do not have a breadth of experience; too many stories of schools misusing funding (a new driveway in one school paid for with funds meant for refugees!).*
>
> *My previous principal was very positive about using funding towards EAL/D but I am unsure if this will continue with our new principal. If it is allowed, I could imagine they will place funding towards other priorities, if it isn't tagged to special programs/support etc.*
>
> *Our school has always been supportive of the unit and allocated good amounts of funding to support the students in the EAL/D unit. We have been able to use the funding to do many things to help our students out. I cannot say the same for some of the other schools.*
>
> *At my current school the principal is aware of the need for EAL/D support and ensures that the allocation is used appropriately. This was not the case in my former school. It is really up to the principal how the funding is spent.*

The volume of survey responses on this issue makes clear that the emerging, devolved national system of support for EAL/D students in Australian schools is, for better or worse, *entirely* dependent on knowledge, values, dispositions and agendas of individual school principals. The fragility and volatility of EAL/D programs due to principal idiosyncrasies

prevents any systematic approach to addressing EAL/D learner needs and creates a diverse practice landscape that cannot, in any sense, be called a system of support.

(ii) Lack of transparency and accountability in allocating and using EAL/D resources

That ESL funding is valued can be seen in the following report from our survey:

> *Admin prefer to keep new arrivals as they attract more funds to the school, rather than refer them to an Intensive English Centre.* (see also section 3.6.3)

As already indicated, lack of accountability and transparency in use of EAL/D funding is a common theme in responses to the ACTA survey:

> *Schools are at the whim of the knowledge of Principals who have no knowledge of EAL/D teaching. Lack of accountability in how funding is used.*
>
> *The administration team can allocate/distribute their one line budget funds however they choose. Not like before where the funds generated through the census equalled a certain FTE for EAL/D. There is no accountability any more.*
>
> *There needs to be greater accountability. If the school receives funding from the government for EAL/D students through the school census, then they need to show evidence that these funds have been used to enhance the learning of those students.*
>
> *I don't know what percentage of funds are going to the program and where money is being allocated elsewhere, which is what schools often do.*
>
> *I believe that a few years ago the overall picture was clearer – it was clear to the EAL/D teacher, who scrutinised the census document and who was entrusted with the role of providing support for the EAL/D students, exactly how many students were receiving funding and recommended how that money should be spent to support the students. With the advent of IPS schools, one-line budgets and online gleaning of data, no one seems to know how much money has been allocated and in many schools there is no longer an EAL/D teacher to advise on the best way to spend the funds to best support the learning of the EAL/D students.*
>
> *How are schools that opt to keep their funding going to be held accountable for the types of support and programs that are delivered to EAL/D students? Who will be auditing these services and their explicit delivery within individual schools????*

Whatever accountability mechanisms education authorities have in place, they are clearly not accessible to scrutiny by many (if any) EAL/D teachers or the wider community. In the absence of transparency, there is no substantive obligation on schools to use EAL/D resources appropriately or be answerable for EAL/D student learning to students, their families, communities, and Australian taxpayers.

(iii) Short-term employment of EAL/D teachers

A major and pervasive impact of school-based decision-making is the casualisation of EAL/D teaching. Casualisation is a step beyond fractional appointments, from which EAL/D provision has consistently suffered. We understand that temporary employment on short-term contracts, and hourly and daily casual employment, are now increasing.

The responses below document the increase in short-term employment of EAL/D teachers:

> *EAL/D teaching specialist positions devolved are being reduced to part-time or replaced by generalist teachers.*
>
> *Over the past two years we have seen the demise of TESOL support with specialist teachers being reduced to part-time and expected to take release lessons and mainstream classes.*
>
> *Unpredictable and unbalanced from year to year, never know if I will have a job. Never know whether to spend money on long-term resources and programs.*
>
> *Teachers are working additional hours and putting in enormous efforts to support the EAL/D students yet often find themselves unemployed at the end of the school year or made to teach mainstream classes.*

Short-term and casualised teacher employment (in any subject area) has dire effects on planning, program development and continuity from year to year. It prevents teachers from impacting on the direction and life of the school. It marginalises both teachers and their students.

(iv) Devaluing of EAL/D teaching expertise

Short-term teacher employment both reflects and promotes a disregard for professional expertise. It encourages the simplistic view that anyone can "fill in". This view is supported by principals' discretion over budget and staffing allocations, which is increasing the use of unqualified teachers in many subject areas.[101] Responses to the ACTA survey describe how specialist EAL/D teachers are being allocated away from EAL/D duties and their potential contribution to planning for resourcing, staffing and professional learning is being ignored:

> *No regard is given to EAL/D qualifications in staff allotments.*
>
> *The new philosophy is specialists are out and teachers can teach in any position required in the school.*
>
> *Fewer qualified EAL/D teachers and questionable allocation of EAL/D staff responsibilities.*
>
> *No prerequisite training for any staff.*
>
> *Never consulted; advice not sought; and given advice ignored.*
>
> *There is a loss of expertise accumulated over decades.*
>
> *The system doesn't care and doesn't listen to the people who do care.*
>
> *Teachers are no longer required to have TESOL qualifications to teach in TESOL contexts.*

(v) Decreased professional development opportunities

As we reported earlier, centrally/regionally located EAL/D consultant positions have been reduced or eliminated. These consultants were largely responsible for EAL/D professional learning opportunities, both centrally and in individual schools. The loss of EAL/D consultants has dramatically eroded system-wide and in-school professional learning about EAL/D.

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[101] http://www.theherald.com.au/story/4614833/unqualified-teachers-burning-out-as-they-try-to-keep-ahead-of-kids/?cs=25
http://www.couriermail.com.au/news/queensland/unqualified-teachers-put-student-education-at-risk-in-queensland-secondary-schools/news-story/ae4af7a85db73617a7974021368abcc7
http://www.theteachersareblowingtheirwhistles.com/theunqualifiedteachers.htm

Under school-based management policies, schools are now expected to use their allocated funds to obtain consultancy 'brokering' services on a cost recovery basis, purchase professional development at market rates from universities, private bodies and local professional associations (e.g. ACTA affiliates), develop cooperative arrangements with other schools or 'go online'.

This market model ignores schools' individual capacities and equity issues, for example the uneven distribution of EAL/D specialist expertise between schools, the availability of those who can provide quality professional learning, schools' ability to recognise quality, the time and continuity needed to develop real professional learning, schools' varying abilities and interest in assessing and prioritising EAL/D student need, barriers to effective cross-school collaboration, the diseconomies of small-scale professional learning at the local level, and the disincentives to funding the cost of teachers' professional learning for 'low priority' areas such as EAL/D.

EAL/D teachers are now mostly left to their own initiative to access professional learning. There is no mention of teachers undertaking further qualifications in responses to our survey (see section 3.4.6 below).

Survey responses included the following:

> *Eradication of the Multicultural consultancy has dramatically reduced TESOL professional learning for all teachers, particularly in policy and pedagogy support and current research.*
>
> *Demise of consultancy has meant fewer opportunities for professional learning locally and system wide.*
>
> *Very little if no PL [= professional learning] provided by the system or district offices I often get calls from schools to provide them with advice and PL – which I am unable to do due to my role within the school being overloaded.*
>
> *Loss of consultancy has meant less professional learning. Or teachers are leading networks and co-ordinating in their own time.*
>
> *Teachers need to access this kind of learning on their own initiative and are required to fund it themselves.*
>
> *Since we no longer have regional consultants, we do what we can for ourselves.*
>
> *Basically no TESOL PD except what we've organised amongst ourselves.*
>
> *It is available but we aren't allowed to attend. No funds for cost of course or relief.*
>
> *Facilitated Professional Development in specific EAL/D school wide programs: ALL of this support has been removed as the school's budget can no longer accommodate any of these support systems.*
>
> *My school is now a public school and so TESOL staff are not able to access centrally offered professional development without some payment occurring, which is not conducive to meeting the professional needs of teachers.*
>
> *No funds made available for TESOL professional learning.*
>
> *TESOL professional development has significantly decreased.*

In-school professional development activities conducted by consultants were crucial in bringing together EAL/D teachers, school leaders and mainstream teachers to generate coherent whole school approaches and respect for and utilisation of EAL/D teachers'

specialist knowledge and skills. Mainstream teachers are as badly affected as their EAL/D specialist colleagues when they lack strategies for effective teaching of refugee and migrant students. A 2013 large-scale study of teacher professional needs identified EAL/D professional development as the highest priority within the area of multicultural education for both beginning and experienced teachers.[102] This Australian study drew on survey responses from over 5,000 teachers and found that 90 per cent of teachers identified support in English language and literacy for EAL/D students as their highest priority.

(v) Erosion of specialist provision for EAL/D students

The overall effect of the various changes just reported is widespread deterioration of EAL/D provision in schools, as documented in the following responses to the ACTA survey:

> *EAL/D programs/provision/services have been seriously eroded over the past several years in our State. Programs have been closed, funding has been reduced, teacher/leader time has been cut, funds allocated for EAL/D have been used for other school purposes, no accountability for use of funds exists, mainstream teacher knowledge of EAL/D learners language/literacy needs has diminished with lack of PL provision.*
>
> *No EAL/D support in classes. Class sizes above 27 students.*
>
> *I feel very strongly that EAL/D in our State has been reduced to level that borders on tokenistic programs and we are literally invisible to the system. Newly arrived EAL/D parents do not have a voice – EAL/D staff were the voice and advocates for these people.*
>
> *Every aspect of EAL/D provision in our State has been negatively impacted by recent funding models, and general lack of commitment at both school/system levels has resulted in a significant deterioration of EAL/D service provision. EAL/D is in the worst condition I have ever experienced in my teaching career.*
>
> *No priority given [to EAL/D provision]; lack of understanding/care of ESL pedagogy and practice; poorer relations with parents/communities.*
>
> *In a school with over 50 per cent EAL/D students with literacy issues there is no formal support.*
>
> *There's much less effective support reaching fewer in need/at risk learners. Programs slashed, positions/classes/levels of support disappeared. My position time reduced.*
>
> *My school had 4 teachers over the whole school years ago and now we have one in the senior school, a 0.2 FTE [full-time equivalent] person to mentor fee paying students and literacy support (0.4 – 0.6 FTE) in the middle school.*
>
> *Increased class sizes up to 28 EAL/D students, contract teachers discontinued due to fewer enrolments, less support in mainstream, less funding for EAL/D PD and coaches.*
>
> *EAL/D programs have vanished and dedicated EAL/D teacher support no longer offered to EAL/D students.*
>
> *The program has been destroyed and EAL/D student needs totally marginalised.*
>
> *There is no EAL/D specialist in the mainstream school anymore - mainstream teachers have been told to see me (Intensive English Centre Deputy Principal) if they are concerned about any EAL/D students in their classes.*
>
> *At my school the principal cut the EAL/D specialist teacher, despite getting funding for it. The funds are not being used for EAL/D students and no program exists now.*

[102] Watkins, M, G. Lean, G. Noble & K. Dunn (2013). Rethinking Multiculturalism Reassessing Multicultural Education, UWS and NSW DEC: Sydney

> *There is very little continuity of EAL/D teacher, year to year. More focus on funding than in improving literacy of EAL/D students.*
>
> *Students in junior school do not have access to EAL/D trained teachers and sit quietly in the classroom. Their level of language has been impaired by decentralised school funding and ESES* [= Every School, Every Student] *system.*[103]
>
> *Students are left to "get on with it" and learn without adequate resources.*
>
> *Classroom teachers are being presented with students with no English at all and expected to deal with it. The children get less specialist time.*
>
> *The EAL/D program has essentially been de-valued. Programs are easily collapsed.*

It is worth noting that these reports come in the context of existing insufficient funding, as one respondent noted:

> *Students only receive a few years of funding to be in a support program but that does not mean that they have acquired the knowledge and skills of English to be able to access the curriculum. Schools need understanding that those students who are not eligible for funding may still require support. Our State funding system needs to be looked into as 2-4 years is not sufficient time for a student to achieve academic English proficiency.* (See section 2.3).

The direct consequence of the change in Queensland shown in Table 4 above was described by one of our members in response to a draft of this submission:

> *The changes to funding in QLD for primary and secondary EAL will have an impact for us as we move to a 'needs-based' model. It is being interpreted to mean that funding is only for students who fail the subject of English. This will drastically impact on EAL support. In my school, where I service approximately 230 recently arrived students in a school of 1400, as well as about 30 students who have been here longer but are still struggling, we were told that we would only receive .46 of a teacher (i.e. just slightly more than 2 days of teacher support). In the past we have had up to 7 full-time teachers. Not one student in the Senior School, where we have our highest concentration of students at risk, is funded for support.*

The deterioration extends even to intensive English provision for newly arrived students who speak little or no English. Responding to a draft of this submission, one of our members described the current situation in Western Australia:

> *Intensive English Centres' staffing and programs with Deputies being removed, school officers doing sensitive enrolments, non-EAL/D qualified or experienced teachers appointed, humanitarian entrants not being supported, creation of IEC classes combining Phase 1 and 2 levels or Year 3 to 6 students, hence difficulty to cover any breadth and depth of curriculum.*

Similarly from Tasmania, we were told:

> *In Tasmania, there is still no intensive language program for young people under 18. However, after a lot of lobbying a short term intensive language program was trialled at the end of 2016 for the new Syrian and Iraqi arrivals younger than 18.*

[103] ESES is the NSW policy framework for learning support/disability. http://www.dec.nsw.gov.au/what-we-offer/education-and-training/disability-support/every-student-every-school

From the Northern Territory, another member wrote:

> *In the Northern Territory, all students who are learning EAL/D who have recently migrated to Australia are entitled to Intensive English support for up to 12 months. However, a key area of need that is not addressed by the current arrangements is that students who migrated more than a year before commencing school and speak a language other than English are not entitled to access the Intensive English program. The same applies to children from were born in Australia to families where English is not used.*

Earlier, we stated that EAL/D provision should not be seen as "remedial" (section 3.4.4 (3)). However, the cumulative failure to give EAL/D learners timely access to adequate support relegates them to remedial status, or worse, as is documented in the following response to a draft of this submission, which we find truly shocking:

> *Students moving up from the primary school struggle even more. In primary school, they have little to no EAL support (1-2 hours a week if lucky). They just get moved on but there is just no funding to help 'fill the gaps'. They just fall further and further behind because there is no intervention to help them learn what they don't know. I had a Somali girl last year in Year 8. I fought to get her into the targeted Numeracy intervention support class (run for 'learning support' students) but was then asked to remove her "because she was too low for the class"!*

The evidence seems overwhelming to ACTA that the erosion of EAL/D provision we have just reported is directly attributable to devolved school funding and school-based decision-making across the country.

3.4.6 Flow-on effects

The decline in specialist EAL/D provision in schools, the loss of EAL/D teaching positions and the growing disregard for EAL/D specialist knowledge and skills have long-term flow-on effects that will be difficult to reverse. What happens in the school system directly affects teacher education programs and their associated infrastructure.

Despite the pressure for upgraded qualifications and the frequent rhetoric that all teachers should be able to respond to EAL/D learning needs, teacher education programs are subject to the same micro-politics over funding and staffing priorities as occurs in schools. Responding to a draft of this submission, one of our members described how these processes are playing out in her university Education Department:

> *The 'invisibilising' of ESL is flowing through into work currently being undertaken in my university as we develop the Masters of Teaching programs. One of the key policies informing this process is, of course, the AITSL teaching standards. ACTA's work in developing an EAL/D version of these standards holds little sway when some of us are arguing for course content space for EAL/D. There is no option for a specialist central subject, so EAL/D must sit across various theoretical subjects. Without a mainstream standard that clearly identifies EAL/D as a priority area of learning in preservice teaching, and only a nod to linguistic diversity (standard 13), we are now going to be producing teacher graduates (with a Masters no less!) who have very limited knowledge of the field.*

This particular department is currently known as a leader in EAL/D teacher education and research. However, its specialist training programs and, in turn, the staffing that follows from student enrolments are now under threat:

> *Of note too is the lack of opportunity for EAL/D specialisation – even in a curriculum area – so there will be no one entering teaching as an ESL specialist. They will need to undertake further qualifications, which are becoming increasingly expensive. And why would they bother if there is no career path? Most recent events in my State indicate that ESL specialist teachers are being moved back into classrooms. Hard-fought-for Head of Department ESL positions are being quietly eliminated as the new funding model takes hold. Schools do not want to pay $100,000 or thereabouts for a Head of Department role if classroom teachers can pick up the load – especially as allocation of funding devolves to principals.*

The demand for qualified and specialist EAL/D school teachers that resulted from the national ESL Program described earlier (section 3.4.2) gave rise to specialist EAL/D teacher preparation programs, Postgraduate Diplomas, Masters and PhD degrees, and much of the research on which we have drawn in this submission. (This same drop in demand is paralleled in the adult sector – see section 3.5.2). The pool of EAL/D expertise and experience is slowly drying up. The University personnel who trained the first cohort of properly qualified ESL teachers in the 1980s have mostly retired, their successors in the academy and this well-qualified teacher cohort are themselves nearing retirement age. As the researcher/teacher educator quoted above concluded:

> *At the moment, we're relying on advocacy from current EAL/D teachers who knew how the system worked in the past and what advocacy needed to focus on. New teachers won't have this understanding, so everyone's capacity even to know what to ask for will be further diminished.*

The incentive for Universities to employ TESOL specialists now lies almost entirely with full-fee international students. An indication of this shift occurred in 2016 when ACTA received *no* applications for our annual award for an outstanding doctoral thesis on second/other language learning in Australian schools.[104]

As we will document further in section 4, for over the past 30 years Australian EAL/D research, curriculum, assessment and pedagogy have been, without any doubt, world's best practice.[105] At the moment, in so far as schools seek it, they can draw on the legacy of this

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[104] http://wwwtesolorgau/About-ACTA/PENNY-MCKAY-MEMORIAL-AWARD

[105] Selected examples of internationally recognised Australian contributions and distinguished contributors to English language teaching include:

Davison, C & J Cummins (2007) International Handbook of English Language Teaching New York: Springer Science & Business Media (Davison, an Australian, is now Professor of Education at UNSW She does high-level consultancies in Hong Kong and other Asian countries She is Vice-President, NSW Council of Deans of Education)

Elder, Catherine (2015). Acknowledging the diversity of the language learner population in Australia: towards context-sensitive language standards *Challenges for Language Education and Policy: Making Space for People* Routledge (Elder is currently President of the International Language Testing Association http://wwwiltaonlinecom/page/BoardOfficers She has been a major contributor to language tests across all levels, including the Occupational English Test, in Australia and overseas)

McKay, P (2006) Assessing Young Language Learners Cambridge University Press This book by Penny McKay, an Australian, won the prestigious 2007 Kenneth W Mildenberger Prize, awarded by the Modern Languages Association of America For an account of her contribution to international best practice, go to: http://wwwtesolorgau/files/files/362_Penny_McKay_Articlepdf

McKay, P & A Scarino (1991) ALL Manual for Curriculum Developers Melbourne: Curriculum Corporation (5th edition) Scarino is Professor of at the University of South Australia

outstanding work and associated human resources. However, without demand from new candidates who are seeking to become or advance as EAL/D educators in Australia, incentives to maintain and further develop this base of specialist knowledge and expertise will evaporate. The knowledge will stagnate and eventually disappear. Even when the effects of marginalised and failing EAL/D learners in schools become increasingly apparent – not least in increased adolescent alienation and antisocial behaviour – other interests will be entrenched in university teacher education departments. It will take at least a generation of new University appointments to restore what is now being lost.

3.4.7 Conclusion

The lack of nationally agreed and consistent data on English language learners in schools, coupled with the devolution of funding to schools and school-based decision-making, have multiple effects that work against positive settlement outcomes for migrants and their children.

Funding to promote these outcomes is no longer effectively directed to this purpose. Rather, it is dispersed to the point that it is impossible to tell where much of it is going. Concurrently, without a nationally agreed method of assessing English proficiency levels, there is also no way of knowing the extent to which this funding is actually needed.

Australia's national system of English language provision for school-aged migrant and refugee children is fast unravelling within self-managing schools. The extent of this deterioration is such that a dedicated national system of targeted English language support in the school sector can no longer be said to exist. These developments have significant parallels with what has been termed the absence of "a centre of gravity" in settlement services for adults, as we will describe in the following section.[106] ACTA believes that the potential to redress both situations lies with the National Settlement Framework, the National Settlement Standards and the National Settlement Outcomes Group (section 2.2.1), which we sincerely hope will be mobilised by the findings of this Inquiry.

In the meantime, policies of "local solutions to local problems" are returning schools to the 1950s when governments took no substantive responsibility for ESL provision in schools. Within such a devolved system, Australian schools are effectively adopting the immersion ("sink or swim") pedagogy that characterised that first post-War period of immigration, as some survey responses commented:

> *The ESL students are becoming or have become invisible; poor results are easily justified because "well they are ESL "back to the 1960's.*
>
> *The whole of EAL/D is disintegrating. It appears a return to "assimilation" is now the preferred model School funding has been cut so close to the bone that school struggle to manage/run without dipping into specialist program resources.*

Paltridge,B., S. Starfield & C.M. Tardy (2016) Ethnographic Perspectives on Academic Writing Oxford University Press (Paltridge is Professor of Education at Sydney University)
See also section 23, Table 1 and the work being done on EAL/D learners and NAPLAN tests

[106] Centre for Policy Development (Feb. 2017) Settling Better: Reforming Refugee Employment and Settlement Services, pp. 33 https://cpd.org.au/2017/02/settlingbetter/

In turn, the knowledge base that has supported Australia's previous leadership role in EAL/D provision is weakening. It will disappear if the unintended consequences of current policies and processes are not addressed.

EAL/D provision in Australian schools is at a critical policy crossroad. A commitment to this provision must be urgently reaffirmed as a priority by Commonwealth and State/Territory Governments, together with concrete measures to protect and strengthen this provision, or it will continue to wither as devolution progresses. EAL/D learners will enrol in schools that have little or no capacity to provide appropriate or proactive specialist support, will struggle to develop the academic language and literacy of the school curriculum and be assessed as low literacy performers, and will receive late remedial assistance of varying appropriateness and effectiveness. Proactive and systematic support that is oriented towards timely English language assistance will be replaced by *ad hoc* and *post facto* interventions to reverse entrenched literacy disadvantage. In this context, school alienation and antisocial behaviour by migrant-background youth is inevitable.

Given the inclusion of EAL/D programs in schools in the *National Settlement Framework* area of education and training, and the Framework's evaluation and review remit, ACTA considers that it is the responsibility of the national Senior Officials Settlement Group (SOSOG) to initiate a national review of EAL/D provision in schools as a priority that requires urgent attention.

Our recommendations follow in the conclusion to our section on best practice in ELA/D provision in the school sector (section 4.2.4).

3.5 PROBLEMS IN ENGLISH LANGUAGE PROVISION FOR ADULT MIGRANTS

The provision of English language and literacy tuition and information to assist settlement is core to services for incoming adult migrants. It is currently delivered to those with very low English proficiency in the ***Adult Migrant English Program*** (henceforth **AMEP**). Active job-seekers are then eligible for ***Skills for Education & Employment*** (henceforth **SEE**) ***Program.*** Until recently, these programs were administered in separate Commonwealth Departments but they are now located in different sections of the Department of Education and Training.[107] ACTA welcomes this development and believes it provides a long overdue opportunity to improve the "mix, coordination, extent and effectiveness" of English language provision for adult migrants, although we have reservations about the administrative culture in this Department, as we outline below (sections 3.5.3 and 3.6.4).

ACTA believes that the process of coordinating the AMEP with other English language provision should be taken further. Our key concern is the lack of coherence and comprehensiveness in the overall range of provision for adult migrants, especially in the settlement phase. However, any assessment of "mix, coordination, extent and effectiveness" of English and related provision for adult migrants requires, as a first step, an overview of such provision. ACTA has found it impossible to gain such an overview. We believe the 2017 report from the Centre for Policy Development (henceforth CPD) is accurate in stating that:

> For the Australian Government, there is little alignment between stated economic priorities for the humanitarian program – Employment, English and Education – and the current administrative arrangements for humanitarian support.[108]

This criticism applies well beyond the humanitarian program in regard to English, settlement and related provision more generally. As one of our members wrote in response to a draft of this submission:

> *It is very difficult to get information about what happens after the AMEP because of the ad hocness of pathways. In our institute, English programs vary from semester to semester for those not eligible for SEE. Sometimes we have EAL courses at all levels and sometimes just some levels and sometimes none, so for some students it is difficult to find an on-going English class, which they all need. After completing CSWE 3 (an intermediate/post-intermediate English course) students do not have sufficient English to work or do many training courses. Especially with higher unemployment, students have no choice but to study more English, which they need, but the courses are not always available. And then even after they have sufficient English there are fewer pathways that lead to jobs, and the training required is too expensive.*

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[107] https://www.education.gov.au/adult-migrant-english-program-0
https://www.education.gov.au/skills-education-and-employment
The AMEP began in 1948. It has been mostly administered within the immigration portfolio. Various predecessors to the SEE Program began in the 1980s, most immediately the Language, Literacy & Numeracy Program (LLNP) in 1991. The SEE Program replaced the LLNP in 2013. All have been viewed as labour-market training and have been administered within the Commonwealth education & training portfolio.

[108] Centre for Policy Development (Feb. 2017) Settling Better: Reforming Refugee Employment and Settlement Services, pp. 33 https://cpd.org.au/2017/02/settlingbetter/

We also note the gaps – and the consequent poor social and economic outcomes – for two important groups of new arrivals:

i. those on Partner or Spouse visas
ii. those who fail to gain employment appropriate to their pre-embarkation skills and qualifications.

In this section, we focus mainly on the AMEP and SEE Program because, first, our members teaching in the adult sector continue to raise these concerns, second, these concerns have been heightened by the new contract for the AMEP, and third, due to the fragmentation just described, our information beyond these programs is limited.

In contrast to other areas of the VET sector and its recent disastrous deregulation, the AMEP and, to a lesser extent, the SEE Program are highly regulated through their contracts and KPIs, including requirements for student assessment and achievement of learning outcomes (see section 3.5.4). The AMEP has also been repeatedly reviewed over the years. Most recently in 2015 **ACIL Allen Consulting** examined both the AMEP and SEE Program (henceforth **the ACIL Allen Review/the Review**).[109] ACTA made a detailed submission to that Review, which can be accessed on our website.[110] Although we do not agree with some of the Review's recommendations, we commend the Inquiry to its three-volume report as the most detailed and relatively up-to-date information about these programs. Substantive elements of the analysis still hold and are entirely relevant to the Inquiry's consideration of the "mix, coordination, extent and effectiveness" of English language provision to adult migrants.

Since the ACIL Allen Review, tenders for new 2017-2020 contracts for the AMEP and SEE Program were called and closed. The successful tenderers were announced on 19th April 2017, just as we finalised this submission.[111] A draft of the Request for Tender (henceforth RTF) was made available last year, to which ACTA responded in detail.[112] We had no access to the final RTF but we believe that it contained only minimal changes from the draft. Our discussion of current AMEP and SEE provision is therefore based on the draft RTF, plus questions asked in the Australian Parliament's Senate Estimates Committee (cited below with SQ numbers). ACTA believes that more careful consideration could have been given to the ACIL Allen Review's analysis and recommendations in developing the new contracts.

In what follows, we describe:

1. key features of the AMEP and SEE Program
2. how the new AMEP contract undermines both coordination and effectiveness by fragmenting the program, downgrading part of it, and confusing the AMEP's mission

[109] https://docs.education.gov.au/system/files/doc/other/amep_evalution_report_-_for_public_release.pdf
https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf
https://docs.education.gov.au/system/files/doc/other/see_programme_evaluation_report.pdf
[110] http://www.tesol.org.au/files/files/496_AMEP_SEE_Program_Evaluation_2014_-_ACTA_Response.pdf
[111] https://wwweducationgovau/amep-and-see-2017-tender-outcomes-0
[112] For our response and subsequent developments, go to http://www.tesol.org.au/Advocacy/ADULT-ESL-NEWS-AND-ISSUES

3. the increasingly unclear relationship and lack of coordination between the AMEP and SEE Program
4. how an ill-considered attempt to align the two programs will undermine both effectiveness and accountability in the AMEP.

Positive aspects of these programs will be described in section 4.3 on best practice.

3.5.1 Current provision

The Adult Migrant English Program offers:

- 510 hours for new arrivals aged 18 years or older in the first 12 months after landing or grant of permanent residence, whose English is assessed (by providers) as "below functional English".
- additional hours as follows:
    - the **Special Preparatory Program** (henceforth **SPP**) – for those who have had "difficult pre-migration experiences" –
        - 400 hours for those aged 15-24 with 7 years or less previous schooling; open to those under 18 only if school provision is unavailable and local schools agree to AMEP enrolment[113]
        - 100 hours for those under 25 with 8 years or more of schooling
        - 100 hours for those aged 25 or older.
    - **Settlement Language Pathways to Employment & Training** (henceforth **SLPET**) – 120-140 hours and 40-80 hours of work experience to prepare for transition to employment or further education for those completing their AMEP hours and close to "functional English"
    - **AMEP Extend** – up to 490 hours for those who have completed their 510 AMEP hours and have met program attendance and progress requirements.

  Both the SLPET and AMEP Extend are "capped", i.e. funding is limited and subject to change; they must be resourced within budgets provided to providers.

  Clients in the above programs are eligible for free child care.

- **Distance Learning:** teacher-assisted distance learning, mainly delivered on-line.
- **Home Tutor Scheme:** language assistance by a trained volunteer, usually on a one-to-one basis in the client's home.

The Skills for Education & Employment (SEE) Program offers:

- 500 hours of free Language, Literacy & Numeracy (henceforth LLN) training for **job seekers**, whose eligibility is determined by "Referring Agencies"[114] and who are then referred to providers.

[113] Request for Tender RFT PRN AD 16/001050 Attachment B: Adult Migrant English Program (AMEP) Service Provider Instructions, p.14). These hours are supposedly in preparation for entry to AMEP hours. However, this is rarely the case because providers have difficulty creating viable classes. This problem is explained in sections 3.6.1 (2) and 3.6.3.

[114] Referring agencies are the Department of Human Services, *Jobactive*, Disability Employment Services (DES) and Community Development Programme (CDP) providers (Request for Tender RFT PRN AD 16/001050 Attachment D: Skills for Education and Employment (SEE) Service Provider Instructions, 2017-2020, p. 13)

- There are three streams of training:
  i. **Initial language** stream – solely for those "whose first language is not English"
  ii. **Basic Language & Literacy** stream – for both "language and literacy clients"; focus is on "consolidating functional LLN skills" (p. 2)
  iii. **Advanced Language, Literacy & Numeracy** stream – clients as above but at a higher level.[115]
- The SEE Program is primarily delivered in face-to-face classrooms but distance learning is available for those who cannot access on-site delivery.
- Work placements are only possible if a person is also enrolled in a training package that requires this.

3.5.2 Fragmentation of the AMEP and downgrading of one part of provision

Contrary to the Inquiry's concern for coordination in settlement services overall, the 2017-2020 AMEP will be split into two "streams": a ***"pre-employment"*** stream and a ***"social English"*** stream.[116]

ACTA regards this split as highly problematic for the following reasons.

(1) Counter-productive and unnecessary fragmentation

The effects of this split will be the exact opposite of the stated goals of improving flexibility and choice.

The AMEP already had considerable flexibility to tailor classes to meet the needs of specific learner cohorts, although this flexibility had been progressively constrained by reporting and other administrative requirements. The top-down mandatory creation of "streams" introduces rigidities into learner pathways, will intensify difficulties in forming viable tailor-made classes at different levels, multiply administrative requirements, and has no evidence to support it. It did not require splitting the program to institute fewer assessment requirements for some learners (which is one reason given for this split – see below).

The choice of streams to be offered to incoming clients is superficial and has implications they cannot possibly understand. Given that providers are required to form at least one "social English" class per Centre, and that these classes permit cost cutting (see below), the pressure will be to fill these classes. Although it is stated that "clients will be supported to review their goals and change tuition streams if their needs change" (SQ16-001139), changing classes once they are formed is not easy and unlikely to be encouraged. It is not hard to imagine that incoming clients will be asked to choose between a pathway to employment on the one hand and, on the other, an easier class focussed on conversation. Both depictions are fundamentally deceptive, as we elaborate below.

[115] RFT PRN AD 16/001050, Schedule 5, p. 2
[116] RTF PRN AD 16/001050, p. 2; Attachment B AMEP, p.7.

(2) Downgraded provision in the "Social English" stream

The most obvious change to the AMEP is the creation of a "social English" stream. This move is described as seeking to "encourage greater participation in the AMEP from a cohort where many are currently not accessing or making full use of the program, thus providing an opportunity for those who would not otherwise have access" (SQ16-000946; SQ16-001139). It "aims to attract a cohort of migrant [sic] who would otherwise not enrol in AMEP" (SQ16-000938). This cohort "do not need or want formal English language tuition purely for employment purposes" because of "age, health or family circumstances" (ibid.), which we interpret as referring largely to the elderly, refugees struggling with the legacy of torture and trauma, and women with young children and/or large families.

The "social English" stream is characterised by:

i. "**conversation-based learning activities** that will form a key part of tuition for that stream" (SQ16-000938)
ii. **larger classes** than the "pre-employment" stream (max 25 students versus max. 20 students) (SQ16-000935; cf. SQ16-000946117)
iii. **downgraded teacher qualifications** – all AMEP teachers were previously required to hold postgraduate TESOL qualifications; those running "social English" classes are required to hold a degree (in any discipline) and be enrolled in a TESOL qualification (SQ16-000935).

The rationale given for larger classes is that they are more suited to:

- the "slower" progression of students in this stream (SQ16-000938)
- conversation-based learning activities (SQ16-000938).

The "oral communication" focus and lesser assessment requirements are also described as justifying the downgraded teacher qualification requirement (SQ16-000938). Two further reasons are that:

- "highly qualified teachers can be difficult to source in many regional and remote areas of Australia"
- "this standard will enable AMEP providers to attract and develop talented teachers within the AMEP and offer them a career pathway through the program" (SQ16-000938).

The reasons the reasons given to the Senate Education Committee for creating a "social English" stream within the AMEP do not withstand scrutiny. ACTA believes that all are misleading and some are deceptive, as we now explain.

(i) Attracting a new cohort

The Senate Committee on Education and Employment was told that evidence for a new cohort being attracted by the "social English" stream came from "public consultation and the ACIL Allen evaluation" (SQ16-000938). It is unclear who was consulted (the potential new

[117] The max 22 number in this answer is different to that given in the draft RFT and in other answers.

cohort?), what was asked, what the responses were, what were described as deficiencies in existing AMEP provision, the reasons people gave for not enrolling in the AMEP, and how larger classes taught by student teachers would address the rationale given to the Senate Committee.

We cannot find any recommendations (or even suggestions) in the ACIL Allen Review for creating a separate "social English" stream (or streaming), nor larger classes or lower qualifications for some teachers.

ACTA finds it difficult to envisage how any new cohort of learners with little/no English who are actually seeking formal tuition in English might be attracted to a large conversation class run by an unsupervised student teacher – that is, of course, if they were offered this information about the "social English" stream.

ACTA believes that the description of the "social English" stream confuses those seeking formal tuition with those seeking exposure to English in informal activity-oriented settings, such as to be found in Community Hubs, which "work with migrant/refugee women and pre-school children, offering services such as skills training, English classes, sewing and breakfast clubs as well as volunteering opportunities and community events".[118] These Hubs began with trials and evidence assembled over several years in outer Melbourne. Forty-two Hubs are now embedded in primary schools and community centres in Melbourne, Sydney and Brisbane,[119] primarily funded by the Australian Department of Social Services (DSS) and the Scanlon Foundation, with additional support from local and state governments, the corporate sector and other contributors. A *Delivery and Outcomes Report* was published in December 2015.[120]

ACTA believes these Hubs are much better suited to attracting the cohort envisaged for the AMEP "social English" stream. They create sites for authentic conversations, social interaction and sharing locally relevant information. Their reporting requirements do not hinge on assessing participants' progress in English. We support increased funding for these Hubs and increasing their capacity for outreach and community engagement. We believe that the new AMEP "social English" stream will be an unnecessary, unsatisfactory and inferior duplication of services.

The only credible reasons for a new group of AMEP clients being attracted to this stream are the proposed focus on speaking English, which we discuss immediately below, and fewer assessment requirements, which we consider in 3.5.4 (1) below (p. 88).

(ii) Focus on conversation

How increasing class sizes will encourage conversational English escapes us. It is envisaged that conversational activities will occur in small groups (SQ16-000943). New arrivals are almost always unused to group work and resist it as a waste of time. Overcoming this resistance requires skill and experience. Using small groups productively takes careful,

[118] http://www.communityhubs.org.au/
[119] http://www.communityhubs.org.au/contents/resources/NCHP_2015_Delivery_and_Outcomes_Report_FINAL.pdf; http://www.communityhubs.org.au/hub-directory/
[120] http://www.communityhubs.org.au/contents/resources/NCHP_2015_Delivery_and_Outcomes_Report_FINAL.pdf

focussed planning and skilful feedback and follow-up techniques, which teachers learn from specialist training, English language and pedagogic knowledge, and experience. Moreover, with larger classes, it is more difficult for a teacher to structure appropriate activities, provide feedback and monitor what is going on. With only one person in the room being competent in English (and at least some lacking competence as a teacher), the best that small groups of very low proficiency learners can acquire will be highly stigmatised forms of 'pidgin' English.

(iii) Downgraded teacher qualifications

It is quite unclear how the learning needs of the projected new target groups can be met by those lacking advanced training, knowledge, skills and experience in English language teaching. As one of our members wrote:

> *I am just about to embark on a project that is pure "social stream". It will be for new mothers once a week …. It aims to connect mums with each other, with social and health services, to address the cultural issues they are finding new or challenging, and to practise the language used in, for example, community health service situations. I cannot imagine a non-TESOL-trained 3 year graduate dealing with the multiplicity of issues in a class of this sort.*

Both specialist EAL/D qualifications and professional development have been progressively deprioritised in the AMEP since the 1990s. (They were never a priority in the SEE Program and its predecessors.) Both are contrary to developments in all other teaching sectors, which are moving to upgrade teacher quality through increased qualifications and on-going professional development. As already noted, as far back as 2008 the Council of Australian Governments defined "qualified" for Early Childhood educators as "four year university qualified" in this specialist field (section 3.3.1). Preservice teaching qualifications for the school sector are being progressively upgraded to five years via the Master of Teaching. ACTA can see no reason why teachers of adult English language learners should be any less qualified.

Research shows overwhelmingly that teacher qualifications are critical in promoting good learning outcomes. Based on her own extensive research, including several international surveys, world authority Linda Darling-Hammond states:

> Research consistently shows that teacher quality is one of the most important variables for student success and that teachers with stronger qualifications (academic ability, strong content knowledge, full preparation before entry, certification in the field taught, and experience) produce higher student achievement.[121]

[121] https://edpolicy.stanford.edu/sites/default/files/publications/addressing-inequitable-distribution-teachers-what-it-will-take-get-qualified-effective-teachers-all-_1.pdf

For other research, see, for example: Julian R. Betts, Kim S. Rueben, and Anne Danenberg, "Equal Resources, Equal Outcomes? The Distribution of School Resources and Student Achievement in California" (San Francisco: Public Policy Institute of California, 2000); Donald Boyd and others, "How Changes in Entry Requirements Alter the Teacher Workforce and Affect Student Achievement," Education Finance and Policy 1 (2) (2006): 176–216; Charles Clotfelter, Helen Ladd, and Jacob Vigdor, "How and Why Do Teacher Credentials Matter for Student Achievement?" Working Paper 12828 (Cambridge, MA: National Bureau of Economic Research, 2007); Linda Darling-Hammond, "Teacher Quality and Student Achievement: A Review of State Policy Evidence," Educational Policy Analysis Archives 8 (1) (2000), available at http:// epaa.asu.edu/epaa/v8n1; Linda Darling-Hammond and others, "Does Teacher Preparation Matter? Evidence About Teacher Certification, Teach for America, and Teacher Effectiveness," Education Policy Analysis Archives 13 (42)

Although Darling-Hammond's extensive research is directed to American schools, there is no reason to suppose that her findings and those of myriad other researchers do not apply to teaching English to adult migrants. So, for example, she reports that student achievement is most harmed by casual teachers with provisional qualifications, and most helped by teachers with postgraduate qualifications in their subject area and more than two years' experience (p. 5). The Victorian State Government 2014 report on Early Childhood education documents similar findings for young children (see section 3.3.1).

Early Childhood Education Australia, the advocacy group for that sector, states that:

- An unqualified workforce is politically risky: easily forgotten and over-regulated.
- An unqualified workforce is industrially risky: low remuneration, status, and conditions.
- An unqualified workforce is not good for its' members' wellbeing: more likely to suffer burnout, to be over stressed, and have less job satisfaction.[122]

This description applies in full for teachers in both the AMEP and SEE Program.

(vi) Attracting talented teachers and offering them a career pathway

With the exception of those protected by enterprise agreements in the TAFE sector, almost all AMEP teachers are now hired on short-term contracts or as casuals. The description of them having a "career pathway" (SQ16-000938) is fanciful and misleading.

ACTA has repeatedly documented since the 1990s that competitive contracting has progressively driven down teacher salaries and conditions, and continues to do so. The proposition that "talented teachers" will be attracted by even lower salaries and larger classes has no evidential basis. Given that Australian postgraduate TESOL qualifications are available through distance education, ACTA believes that the lack of qualified TESOL teachers in remote and regional areas follows from potential TESOL teachers (especially talented ones) having better employment options.

(v) The actual rationale: increased flexibility to drive down costs

The real flexibility and choice introduced by the "social English" stream is in allowing providers to reduce costs through increasing class sizes and lowering teacher wages, where teachers are not protected by enterprise agreements. This flexibility is now coming into place with the new contracts, as one of our members wrote early in 2017:

(2005), available at http://epaa.asu.edu/ epaa/v13n42/; Ronald F. Ferguson, "Paying for Public Education: New Evidence on How and Why Money Matters," Harvard Journal on Legislation 28 (2) (1991): 465–498; Mark Fetler, "High School Staff Characteristics and Mathematics Test Results," Education Policy Analysis Archives 7 (9) (1999), available at http://epaa.asu.edu/epaa/v7n9. html; Laura Goe, "Legislating Equity: The Distribution of Emergency Permit Teachers in California," Educational Policy Analysis Archives 10 (42) (2002), available at http://epaa.asu.edu/epaa/v10n42/; Dan Goldhaber and Dominic Brewer, "Does Teacher Certification Matter? High School Certification Status and Student Achievement," Educational Evaluation and Policy Analysis 22 (2000): 129–145; Parmalee Hawk, Charles R. Coble, and Melvin Swanson, "Certification: It Does Matter," Journal of Teacher Education 36 (3) (1985): 13–15; David H. Monk, "Subject Area Preparation of Secondary Mathematics and Science Teachers and Student Achievement," Economics of Education Review 13 (2) (1994): 125–145; Robert P.Strauss and Elizabeth A. Sawyer, "Some New Evidence on Teacher and Student Competencies," Economics of Education Review 5 (1) (1986): 41–48.

[122] http://thespoke.earlychildhoodaustralia.org.au/qualifications-matter/

> *We have been explicitly informed at our college (which is one of the major tender holders) that we will be paid less for teaching on the social stream, because the college will receive less money from the government for these classes as the assessment requirements are less onerous.*
>
> *The "social stream" is another name for what we teach currently as "settlement topics" but following the CSWE Curriculum.*
>
> *Irrespective of what "stream" a student is in, they will need the appropriate level of literacy support and thus a balance of reading/writing/listening/speaking skills. Working with these clients currently, understanding their needs and aspirations, as well as being familiar with the reporting and assessment systems the contract is referring to, we find it extremely difficult not to be cynical and concerned about government and business motives and priorities, namely to downplay and underestimate the time and skills needed to teach these clients.*

(3) Misleading and confusing "pre-employment" stream

The creation of a "pre-employment" stream is misleading. The name also obscures the settlement role of the AMEP.

The name is misleading because it strongly implies that beginners in English will be employment-ready on completing their 510 hours tuition entitlement (= approx. 6 months x 4 hours x 5 days per week). On the contrary, the ACIL Allen Review points out that:

> the proficiency level at which clients become ineligible for and must exit the AMEP – functional English – is, ***by definition, generally insufficient*** for much employment, VET and higher education". (our emphasis)[123]

In fact, only 7 per cent of AMEP clients complete their entitlement at "functional English" level and over a quarter of clients leave well below.[124] The new contracts recognise precisely this fact through the extra tuition hours in the SLPET and AMEP Extend. They respond to long-standing criticism, including in the 2017 Centre for Policy Development (CPD) report, that 510 hours tuition is insufficient.[125]

So far, it appears that the content taught in the "pre-employment" stream will be little different from the previous AMEP, including as the latter did units to assist learners towards employment pathways. This new badging may well be simply a cosmetic response to persistent concerns about migrant unemployment, such as the CPD report just mentioned.

More significantly, however, the naming of this stream realises the fear documented in the ACIL Allen Review that "an increasing emphasis on employment and economic participation will gradually start to displace the programme's primary objective of settlement".[126] The Review found that the (then) AMEP was highly successful and greatly valued by clients in achieving positive settlement outcomes (Chapter 5). Its Key Finding 19 was that:

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[123] https://docs.education.gov.au/system/files/doc/other/amep_evalution_report_-_for_public_release.pdf p.68.
[124] https://docs.education.gov.au/system/files/doc/other/amep_evalution_report_-_for_public_release.pdf p.66, Key Finding 18.
[125] Centre for Policy Development (Feb. 2017) Settling Better: Reforming Refugee Employment and Settlement Services, p. 29 https://cpd.org.au/2017/02/settlingbetter/ See Table 1, section 2.3 for how this entitlement was decided.
[126] https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf p.xii

> The AMEP plays an important role in assisting clients achieve settlement outcomes. Participation in the programme helps clients access services in the general community, develop networks in their community, understand their rights and obligations and can provide a pathway to employment and/or further study or training.
>
> The AMEP is able to contribute to positive settlement outcomes by effectively integrating language and settlement components, delivering experimental learning and work experience and offering flexible training modes. (p. 68)

The Review's first unequivocal Recommendation was that:

> The AMEP's longstanding objective of settlement for migrants into Australia (through the development of English language proficiency) is clear, and should continue to be its primary goal.[127]

The Review provided a sound nuanced discussion of the tension between meeting settlement versus employment goals in the AMEP. The new "pre-employment" stream is a profound misreading of the Review's finding that "the AMEP does not meet the needs of some employment-focused migrants" because it ignores the context in which this statement was made, namely the Review's acknowledgement that enabling learners to reach the necessary English level for employment was an unrealistic goal for the AMEP, given the English levels of those eligible for this tuition, and its clear recommendation that the AMEP should retain its primary role as a settlement program.[128]

The long-term implications of badging the major focus of the AMEP as "pre-employment" – coupled with a smaller stream focussed on "social English" – are unclear. In the short-term, it deflects attention from the program's focus on settlement goals and content. Given current sensitivities and hostilities to migration, the importance of the AMEP maintaining its prime focus on settlement should not be under-estimated. Accordingly, we propose extending access to *all* new arrivals, including those with levels of English proficiency, with flexible options in program length and content (section 4.3.1).

The rebadging of part of the AMEP as a "pre-employment stream" also increases confusion about the relationship between the AMEP and SEE Program, to which we now turn.

3.5.3 Relationship between the AMEP and SEE Program: mix and coordination

The third volume of the ACIL Allen Review is specifically devoted to how alignment could be improved between the AMEP and SEE Program. The SEE Program is the *de facto* pathway from the AMEP for English language learners seeking employment. However, the lack of coordination between the two programs effectively makes the AMEP a dead-end for many people. The Review pointed to multiple inconsistencies, gaps, difficulties, inefficiencies and lack of clarity in the two programs in regard to:

[127] https://docs.education.gov.au/system/files/doc/other/amep_evalution_report_-_for_public_release.pdf p.xvii
[128] https://docs.education.gov.au/system/files/doc/other/amep_evalution_report_-_for_public_release.pdf pp. xiii-xiv, 68-69 https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf pp. 15-16.

i. eligibility in regard to visa categories (pp.5-6)
ii. English language levels and meeting the needs of both low and high English proficiency learners (pp.7-8)
iii. transitioning, incl. movement back & forwards between the two programs, (pp.15-16)
iv. commonalities in learner needs
v. roles in assisting learners towards employment
vi. the potential for common provision
vii. relationship to the wider VET system
viii. the impact of the student-led entitlement system.

For example, in regard to preparation for employment, the Review found, somewhat paradoxically, that "the work experience component of the AMEP has a higher rate of participation [9 per cent] than the SEE programme [4 per cent], even though the SEE programme is designed to have a more direct impact on participant employability and transitions into jobs" (p. 22). The Review also found that records are not kept of AMEP participants moving into the SEE Program, despite the supposed pathway between the two (see section 6.3).[129]

The new 2017-2020 contracts will do little, as far as we can ascertain, to address the Review's recommendations on improving coordination between the two programs. Aside from procurement matters and reducing the AMEP contract from five years to three in line with the SEE Program, the main alignment will be a common assessment tool, which, as we elaborate below (section 3.5.4), reflects profound disregard for what is involved in learning a new language and has the potential to undermine the AMEP's credibility.

It is interesting to note that the recent 2017 CPD report (mentioned earlier) is focussed on improving humanitarian entrants' access to employment but makes no mention of the SEE Program. In discussing English provision, the report describes the AMEP as having "a strong evidence base", sees potential in its expansion, and commends the "recent policy change" that extended AMEP hours for humanitarian entrants and removal of the funding cap on the Special Preparatory program (pp.28-29).[130] (The work cited in support of this claim comes from AMES Australia, which has just lost its Melbourne AMEP contract.) The CPD report proposes "further integration of employment support into the … AMEP", for example, extending existing employer subsidies to encourage "greater employer participation in job placements" simultaneously with continued English classes (p.29).[131] The CPD report (along with numerous others) noted that tuition opportunities for those with low English proficiency are both insufficient and inflexible.[132]

[129] https://docseducationgovau/system/files/doc/other/see-amep_alignment_reportpdf pp 9-11, 17-18
[130] We discuss the SPP below in the section on provision for migrant-background youth with minimal/no previous education (section 3.3.4).
[131] We note that the Workplace English Language & Literacy Program was terminated in the 2014 budget. https://www.education.gov.au/workplace-english-language-and-literacy-well-program
[132] Centre for Policy Development (Feb. 2017) Settling Better: Reforming Refugee Employment and Settlement Services, pp. 14, 29. https://cpd.org.au/2017/02/settlingbetter/; https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf pp. 5-6.

ACTA supports this report's emphasis on programs that bridge English language tuition and employment, although we believe its recommendations underestimate what is entailed in making such programs successful. They also muddy the waters further in regard to the AMEP's relationship to the SEE Program.

In ACTA's submission to that ACIL Allen Review, we recommended that:

i. the two programs should be administered as part of an overall coherent approach to English language and literacy provision in the post-school, non-University sector
ii. this approach should allow for different entry points, learner cohorts and program sub-goals
iii. it should be context-sensitive, not assume that one size fits all in the different locations (cities, regions and remote areas) and entail genuine consultation with local providers.

The Review did not accept this recommendation and maintained that it was preferable for the two programs to retain their "distinct and clear objectives" and "management … as distinct areas of policy".[133] ACTA believes that the intention behind this conclusion is found in the Review's first recommendation cited above, namely that the central focus of the AMEP should be settlement-related English, within which pathways towards employment have a place.

Nevertheless, the problems documented in the Review, as just listed in dot points above, demonstrate to ACTA that it is only on paper that the two programs' objectives are distinct and clear. In fact, the ACIL Allen Review's elaboration of these dot points, which we commend to the Inquiry, provides clear evidence in support of ACTA's recommendations above. The new division of the AMEP into "pre-employment" and "social English" streams further confuses program objectives. In fact, the ACIL Allen Review's elaboration of these dot points provides clear evidence in support of our recommendations.

Although the AMEP and SEE Program's *objectives and operations* are unclear and overlapping, describing them as "distinct areas of policy" does seem accurate. The failure of the 2017-2020 contracts to address the most important discontinuities documented in the ACIL Allen Review, together with two quite different draft RTF documents, reflect these two distinct policy areas. The CPD report criticism of the overall humanitarian program applies in full to the AMEP and SEE Program, and English language provision more generally, even when programs are administered by the one Department:

> There is no centre of gravity for post-arrival humanitarian policy. New policy proposals must sift through multiple checkpoints and veto processes. Administrative coordination is difficult and unruly. By splicing up each section of humanitarian policy into small parcels, each component part is lost in the broader departmental setting where the primary goal does not align with humanitarian policy. … This 'governance gap' not only undermines the ability to administer current program effectively, but also to evaluate policy outcomes and plan for the future.[134]

[133] https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf p. 21
[134] Centre for Policy Development (Feb. 2017) Settling Better: Reforming Refugee Employment and Settlement Services, p. 34 https://cpd.org.au/2017/02/settlingbetter/

In regard to English language provision, ACTA cannot agree more strongly that "each component part is lost in the broader departmental setting where the primary goal does not align with" a commitment to developing coherent, professionalised English language services or reflect an understanding of what that might entail.

In considering the discontinuities between the two programs, we wonder what is presaged by the division between employment and social streams in the AMEP. To speculate: the split lays the ground for creating a "residual" AMEP for those deemed unemployable, and transferring employment-focussed English tuition to the section that administers the SEE Program. Such a proposition has a long history. It gained impetus in the late 1980s and early 1990s when those responsible for labour market programs in the education and training portfolio first sought to appropriate the AMEP and its larger budget. While the AMEP was within the Immigration portfolio, the move was resisted, although it led to the AMEP's more narrowly and legislatively defined focus on settlement (see section 2.3). Meanwhile, the lack of concern for the specificities of English language learning in the predecessor to the SEE Program (the LLNP Program) was justified by explanations that the LLNP was a "labour market" program, not an ESL program.[135]

The co-location of both programs within the education and training portfolio, together with the creation of the new "pre-employment" stream appears to signal a new phase in this history. However, ACTA would be appalled if aspects of the administrative culture that has governed the SEE program and its predecessors were to restrict and undermine those features of the AMEP that have previously contributed to its superior performance and consistently positive evaluations. We see the new contracts as bearing the hallmarks of this culture, notably fragmented provision, shorter term contracts, an overriding emphasis on compliance, a disinterest in qualifications and professional development, piecemeal changes that create more problems than they solve, and a disregard for curriculum and assessment appropriate to the needs of learners of English as a second/other language.

Postscript: As we finalised this submission, the fears just expressed were realised in the announcement on 19th April of the successful tenderers for 2017-2020 contracts. In determining the new contract holders, the Department has clearly not prioritised concerns for program coherence and coordination, English language learning and EAL/D professional expertise (see below sections 3.5.5 and 3.6.4).

In this context, it seems that our hopes are misplaced that the three years of the new contracts might present a golden opportunity to plan more effective English language and related services for adult migrants. There also seems little chance that the Department will engage in genuinely wide and open consultation during this period.

[135] Moore, H. (2002). 'Who will guard the guardians themselves?' National interest versus factional corruption in policymaking for ESL in Australia. In J. W. Tollefson (ed.), Language Policies in Education: Critical Issues. Mahwah, NJ: Lawrence Erlbaum Associates, Publishers, pp. 111-135

3.5.4 Assessment and reporting

The most significant way in which the new contracts have aligned the AMEP and SEE Program is by specifying that both programs should use the **Australian Core Skills Framework** (henceforth the **ACSF**) for student placement, mapping progress and reporting on attainment.[136]

This requirement is contrary to the cautions in the ACIL Allen report.[137] Use of ACSF in its current form will undermine the credibility of outcomes reporting in the AMEP, as it has already done for the SEE Program. Teacher frustrations and cynicism about assessment and reporting feed into a vicious cycle that further undermines the validity and reliability of this reporting, as we now explain.

(1) Mandated use of the Australian Core Skills Framework

The **Australian Core Skills Framework** (**ACSF**) has been developed for use across the entire vocational education & training (VET) sector. It specifies "indicators" for five levels of an individual's performance in five "core skills" areas (learning, reading, writing, oral communication and numeracy). A "pre-Level 1" describes pre-literate/numerate level.

In the AMEP, this requirement replaces use of the **International Second Language Proficiency Rating Scale** (henceforth the **ISLPR**). Until now, the ISLPR has been used for baseline assessment for new enrolments (including determining whether or not prospective clients have "functional English"), their placement in classes according to proficiency level and, for some providers, determining their exit proficiency levels.[138] The ISLPR specifies levels (from Zero to Vocational Proficiency) with associated progress markers in learning English as a second/other language.

Until the most recent contracts, attainment in the AMEP was mapped against the achievement of "competencies" taught through the compulsory AMEP curriculum **Certificates in Spoken and Written English** (henceforth the **CSWE**). The AMEP may now be taught through various accredited curricula, including the CSWE. Other curricula commonly in use are the Victorian *English as an Additional Language (EAL) Framework Certificates* and the South Australian *Certificates in English Proficiency* and *Diploma of English Proficiency*, all of which have their own frameworks for assessing and reporting on progress.

There are undoubted advantages in a common VET assessment system. It allows cross-VET communication about people's literacy and numeracy levels, and hence facilitates pathways between programs and courses. The inability of VET providers to interpret credentials gained in English language programs (notably the AMEP and SEE Program) is a genuine problem.

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[136] https://wwweducationgovau/australian-core-skills-framework

[137] The ACIL Allen report states:

> Given its position as the primary benchmark for language and literacy (as well as numeracy) in the Australian VET sector, the Australian Core Skills Framework (ACSF) would most likely provide the greatest continuity and coverage from a national perspective. However, there is insufficient evidence to definitively say whether the ACSF would be as appropriate for migrant cohorts to test second language proficiency, compared to the ISLPR and CSWE framework. https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf p. xi

[138] https://docs.education.gov.au/system/files/doc/other/amep_evalution_report_-_for_public_release.pdf pp. 38ff, 61

However, a major drawback in using the ACSF to assess EAL/D learners is that it does not permit accurate or reliable mapping of outcomes in English language *learning* (the same problem is manifested in the school sector – see section 3.4.4 (3)). Crucially, the ACSF indicators are hit and miss in regard to learners' progress in English pronunciation, vocabulary, sentence structure and culturally specific discourse norms (for example, the contexts in which different forms of greeting may be appropriate; how to mitigate a request; ways of apologising).[139] The indicators are sequenced on the assumption that the learner has no/few literacy skills, and so make no sense in assessing learners who do not yet know English but are highly literate and well educated in their first or other languages. They are also referenced to outcomes in vocational training and exclude many settlement-related goals. Overall, the lower a learner's English proficiency, the more English language *learning specifics* apply, and therefore the more erratic are the outcomes supposedly documented by the ACSF.

The significance of being able to chart English language learning with some degree of accuracy can be seen in the ACIL Allen Review's discussion of English outcomes in the AMEP.[140] Key Finding 17, based on statistical evidence drawn from assessments using the ISLPR, was that "the AMEP is effective in improving client English language skills" (p. 63). The Review also recommended continued use of the ISLPR because of the problems with the ACSF just outlined.[141] In contrast, **the randomness of ACSF indicators as they apply to learning English do not support any level of confidence in evaluating learner outcomes from the AMEP or SEE Program, especially for those at lower proficiency levels. In short, it is a case of "garbage in, garbage out".**

It appears that non-language experts have difficulty in comprehending why the pathway in learning another language is different from that in a first language and hence why an assessment framework that applies across the whole VET sector will not capture the progress made by adult English language learners. It is necessary to understand that second/foreign language learners are not slow or backward versions of mother tongue speakers. So, for example, *reducing* assessment requirements for those in the "social English" stream will do nothing to assist in documenting the progress these learners *actually do make*. That would require indicators specifying their *actual pathway* in learning English. Documenting these steps might well require more assessment rather than less.[142]

A similar misunderstanding is found in the ACIL Allen Review proposal to "map" the ISLPR against the ACSF, that is, to continue using the ISLPR but "translating" its specifications into parallel ACSF terms for reporting purposes.[143] This proposal is misguided because it assumes that the two systems chart the same phenomena and that reconciling them is simply a matter

[139] For example, an indicator for ACSF Level 1 **"oral communication"** is *"gives or elicits basic information in a short, simple spoken context"*. It does not permit noting progress in pronunciation, English syntax or discourse. Cf. the ISLPR 0+ Level "*Single word utterances or simple formulae in predictable areas of need*", which directs attention to syntax.

[140] https://docs.education.gov.au/system/files/doc/other/amep_evalution_report_-_for_public_release.pdf section 5.3.1

[141] ibid, p. xii Recommendation 5. The Review also recommended consideration of the International English Language Test (IELTS) or the Test of English as Foreign Language (TOEFL). These tests are unfit for purpose because they are directed to assessing suitability for academic study.

[142] An analogy may help: I want to chart my son's physical development; I measure his weight weekly but not his height. Using those measurements, I won't notice that he's growing very tall.

[143] https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf pp. xi-xii.

of wording. Such an exercise is certainly possible (and has been done in the past) but at a level of generalisation and using indicators that are so vague and far removed from what can be reliably and accurately documented as to make them mean almost anything.

To its credit, the ACIL Allen Review is cautious in making this recommendation and defers to the findings of a panel of experts who were apparently investigating the problem in 2014.[144] ACTA has no knowledge of who these experts were or what they concluded.

The Review also recommended that "the AMEP and SEE Program should jointly commission research and advice" into improving the alignment and consistency of "reporting and compliance" (not just in relation to assessing learner progress) and that "improvements could then be developed and implemented in future contracting rounds".[145] We assume that adoption of the ACSF is the designated "improvement" in the new contracts but we are not aware that any TESOL or language assessment experts were consulted. ACTA was certainly not asked for advice.

Resolving the difficult problem of assessment that, on the one hand, is appropriate for English language learners and, on the other, facilitates pathways into the mainstream VET system requires in-depth consultation with practitioners and properly commissioned work by experts in English language testing and assessment. However, a pre-requisite is clarification of the role of the AMEP and SEE Program within the wider project of bringing coherence to English language services for adult migrants. As long as the confusion discussed earlier in section 3.5.3 persists, reliable and valid assessment and reporting of outcomes in English language learning is impossible.

(2) Multiple and excessive assessment and reporting requirements

The ACSF is now to be used in both the AMEP and SEE Program for assessing:

i. a student's English level when he/she first enters a class
ii. learner progress after every 200 hours of tuition
iii. exit levels when the tuition entitlement ends.[146]

In addition, the accredited curricula that providers are required to offer have their own assessment systems. Some providers offer more than one accredited curriculum and some teachers teach more than one curriculum. Teachers use curriculum-based assessment when a student achieves a benchmark competency in that curriculum.

In both the AMEP and SEE Program, continuous enrolments (also called "rolling intakes") mean that individualised assessments against both ACSF and the taught curriculum must be done at the time *each* client begins their tuition entitlement and as he/she moves through it. Consequently, assessment takes up disproportionate amounts of teachers' time. They try to group assessments but, in effect, can be required to make 40 separate assessments for *each* of the 20 students in their class over a period of 2-3 weeks. Teachers are particularly frustrated when they teach a sequence of lessons towards several individuals' assessment points, only

[144] https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf pp. xi, 26.
[145] https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf p. 32
[146] Providers are not paid if learners drop out before the necessary assessments are done.

for some to be absent on the day planned for that assessment. They are also frustrated by the impact of assessment on teaching, especially when the required assessment deflects from content relevant to English language learning. As one of our members wrote:

> *Of concern with using the ASCF is the reduction of quality teaching due to the increased demands of targeted testing for reporting purposes. Quality teaching and productive classrooms go out the window when this type of test-report comes in the door.*

As we have already noted, almost all AMEP (and SEE Program) teachers are employed as casuals or on short-term contracts. Their wages are calculated according to hours they teach in classrooms with a loading for preparation and assessment. Our members consistently report that the hours assumed in these loadings come nowhere near the time spent doing assessments and writing up individual reports.[147] It appears this loading will be reduced under the new AMEP contract (section 3.5.2 (v)).

The draft 2017-2020 AMEP RTF also specifies that:

- assessments should be conducted during class time
- out-of-class assessments are not eligible for payment (for example, when a student misses a class in which assessments are done)
- assessment "should be undertaken with as little direct engagement of the client as possible" and "should be informed by samples of student work, observation of the student while they are in class and discussion with the teacher".[148]

These requirements raise issues of:

- transparency and fairness if learners are unaware that they are being assessed
- reliability and accuracy of assessments under these conditions
- the proportions of class time devoted to teaching vis-à-vis individualised surreptitious assessments.

Overall, the unsuitability of the ACSF and the multiple and unrealistic assessment requirements in the AMEP and SEE Program have given rise to widespread teacher cynicism regarding assessment, reporting and quality control, itself creating a vicious cycle that further undermines the reliability and validity of assessment and reporting on learner outcomes from these programs.

3.5.5 Efficiency and effectiveness of current contracting procedures

The ACIL Allen Review notes that "the Australian Government has placed significant emphasis on the importance of reducing the regulatory burden for business in Australia".[149] One characteristic of this approach in the VET sector is:

> implementation of a risk-based approach that identifies those factors most critical to ensuring quality outcomes for students, and targeting providers that pose the greatest risk to delivering those outcomes. (p. 32)

[147] All reports must be accompanied by two examples of the data on which ratings are based.
[148] Draft RTF AMEP Service Provider Instructions p. 27. As far as we know, no such requirements attach to the SEE Program.
[149] https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf p. 32.

As already noted, the Review recommended that research and advice be sought and improvements be adopted in the new contracts. The 2017-2020 RTF contains no evidence that we can detect that this recommendation was adopted. Rather, the focus is micro-management and accountability requirements. The regulatory burden on the AMEP has been *increased* by reducing the 2017-2020 contracts from five years to three.

In all ACTA's previous submissions on English language services for adult migrants, we have documented the disruption, inefficiencies, wasted resources and lack of transparency that attach to the current system of competitive contracting. The evidence in the public domain and from our members since at least 2000 is that no substantive benefits flow from it.[150] Claims that competition for contracts keeps costs in check are true only in so far as they rest on driving down teachers' wages and conditions. The lost hours and considerable inefficiencies in bidding for contracts and changing providers are hidden.

Competition between providers and insecurity about retaining contracts also encourage secrecy and predatory behaviour between providers, and work directly against coordination and pathways between programs, including where the AMEP and SEE Program are delivered by separate providers. Research has documented that:

> The competitive funding model works against coordination of service provision, encouraging a fragmented rather than a holistic approach. It also does not encourage long-term investment in the sector nor the development of institutional knowledge that would ensure capacity building and consolidation of knowledge and experience in the area.[151]

Commercial-in-confidence issues and competition have made managers and teachers both cautious and inward-looking, not just in describing problems but also in expressing their broader views and ideas for program improvements. A "closed shop" culture of compliance now characterises these programs. This culture will operate against proper scrutiny of and information flows about the implementation of the new contracts.

As noted in the introduction to this section, the contract holders for 2017-2020 were announced on 19th April, while finalising this submission. A major provider in Melbourne has lost all their AMEP contracts in that city but retained their SEE Program contracts, thus increasing the problems just described in coordinating pathways between these programs. It is ironic that we have cited this provider's offerings as exemplars of best practice in sections 4.3 and 4.4 below (as also did the CPD report cited earlier in section 3.5.3). These exemplary programs will now be terminated, as we elaborate below (section 3.6.4).[152] The disruption to AMEP provision in Melbourne, together with wasted resources and infrastructure, is unimaginable.

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[150] See our submission to the ACIL Allen Review: http://www.tesol.org.au/files/files/496_AMEP_SEE_Program_Evaluation_2014_-_ACTA_Response.pdf, pp. 19-22. See also: Australian National Audit Office. (2001). Management of the Adult Migrant English Program. Canberra: Commonwealth of Australia. The audit found that "the per capita cost of the contracted out arrangements is similar to those they replaced"(p. 45) https://www.anao.gov.au/sites/g/files/net616/f/anao_report_2000-2001_40.pdf

[151] Fozdar, F., & Hartley, L. (2013). Refugee resettlement in Australia: What we know and need to know. *Refugee Survey Quarterly*, 32, 3, 23-51. p.49.

[152] It should be noted that, aside from gaining confirmation that they have lost these contracts and that these programs will end, ACTA has had no communication with anyone from this provider.

A number of SEE Program contracts have gone to MAX Solutions, a large American company which has no track record in English language provision and has not, to date, promoted itself as having this expertise.[153] However, the company holds contracts for employment services in Australia and have been major providers of "work for the dole" schemes.[154] Considerable evidence exists of its failure to achieve its stated goals.[155]

ACTA fails to understand what professionally oriented criteria could motivate this further dislocation of the AMEP and SEE Program or the choice of a neophyte in English language provision. Our understanding is not assisted by the complete lack of transparency attaching to the awarding of contracts, which is supported by the secrecy and formal and informal penalties that block information reaching the wider professional and public domain.

In our submission to the ACIL Allen Review, we recommended that whatever advantages might be thought to accrue from competitive contracting could be retained and enhanced by a simplified, more efficient and transparent review system, which we outline in section 4.3.2 (4). Our Recommendation 9 (v) accords with the current approach to risk-management and reducing regulatory burdens.

3.5.6 Conclusion

Current arrangements for the delivery of English language tuition for adult migrants are flawed. In summary:

- **policy-making and provision are uncoordinated**, often at odds, and driven by administrative commitments and imperatives that seem quite distinct from ensuring "mix, coordination, extent and effectiveness" in English language programs for adult migrants
- the answers given to questions in Senate Estimates regarding the 2017-2020 AMEP contracts exemplify this lack of commitment to effective English language provision and the prioritising of in-house departmental imperatives; these **answers are at best inadequate and at worst misleading**
- aspects of the new AMEP contract requirements fragment and complicate the program, confuse its goals and overlap with other provision
- the newly mandated use of the ACSF in the AMEP will undermine the **credibility of reporting on learner outcomes**
- **the disjointed pathway between the AMEP and SEE Program** is a prime example of the "multiple checkpoints and veto processes" criticised in the CPD report[156]
- **no clear overview** of existing provision, gaps, needs and future developments exists, at least in the wider policy and public domain

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[153] http://wwwmaxsolutionscomau/about-usaspx
[154] https://wwwthesaturdaypapercomau/news/politics/2015/04/25/jobactives-work-the-dole-contracts-sold-us-companies/14298840001801
[155] http://wwwsmhcomau/federal-politics/political-news/work-for-the-dole-is-inefficient-and-unreasonable-and-should-be-dismantled-acoss-20160215-gmumzbhtml
http://wwwillawarramercurycomau/story/4590023/axe-hovers-over-hopeless-work-for-the-dole-program/?cs=7
https://wwwtheguardiancom/australia-news/2016/nov/29/australian-jobseekers-report-bullying-and-work-for-the-dole-safety-fears
[156] https://cpdorgau/2017/02/settlingbetter/ p 34

- **current competitive contracting procedures** are inefficient and disruptive; they do not reflect best practice in risk management; they prevent coherence and collaboration in provision; they have created a self-perpetuating and self-protecting culture of compliance at departmental, provider and individual levels.

The recently awarded 2017-2020 AMEP and SEE Program contracts exemplify all of the above claims and further exacerbate the problems documented in this section. They do nothing to instil our confidence in the current administration of these programs.

ACTA's recommendations will be presented in the concluding section of our description of best practice in adult EAL/D provision (section 4.3.3).

3.6 PROBLEMS IN PROVISION FOR REFUGEE YOUTH WITH SEVERELY DISRUPTED/ MINIMAL/ NO PREVIOUS EDUCATION

Knowledge about the English and related educational needs of incoming refugee youth with minimal/no previous education goes back at least as far as the 1980s, as have warnings about the consequences of failure to meet those needs. For example, a teacher made the following prediction nearly ten years ago:

> *what I'm worried about seeing – I'm almost sure there will be gangs of Sudanese kids four or five years down the track because they just can't cope. And the worst thing is when they first come here they've got such high expectations.*[157]

Two years earlier, the Centre for Multicultural Youth Issues (Victoria) stated:

> The consensus seems to be that the system is not set up to adequately cater for certain groups of new arrivals [viz. refugee youth with minimal/no previously schooling] and the outcome of this failure is largely being played out in secondary schools in terms of low retention rates and the future prospects of young refugees finding meaningful employment.[158]

Similarly, the Refugee Resettlement Advisory Council reported:

> In particular, humanitarian entrants aged 16 and above with significantly disrupted learning are at risk of falling through the gaps and cannot easily be accommodated within the school system. **More appropriate educational pathways could be developed that meet the needs of this vulnerable client group**.[159]

It is unclear to ACTA whether the gangs that are the focus of this Inquiry are, in fact, the young people who fell through the gaps ten years ago, because the data is not publicly available (sections 2.4). This lack of data is itself a problem needing remedy (section 6.3). Given the age and ethnic background of at least some of the youth under consideration (section 7.2.1), it seems likely that they are among the young people for whom these recommendations were made a long time ago (section 2.1).

Whether or not today's youth gangs include refugee youth who arrived (and/or continue to arrive) in Australia with minimal/no previous schooling, the need to promote good settlement

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[157] ESL Coordinator quoted p. 35 in Mathews, J. (2008). Schooling and settlement: refugee education in Australia. *International Studies in Sociology of Education*, 18, 1, 31-45 http://www.tandfonline.com/doi/pdf/10.1080/09620210802195947

Miller, J., J. Mitchell & J. Brown (2005).African refugees with interrupted schooling in the high school mainstream: Dilemmas for teachers. *Prospect*, 20, 2 (August 2005), pp. 19-33.

Moore, H., Nicholas H. & J. Deblaquiere (2008). 'Opening the Door': Provision for Refugee Youth with Minimal/No Previous Schooling in the Adult Migrant English Program. Project 2.1: 'Modes of Delivery for SPP Youth'. Macquarie University, published & distributed by the AMEP Research Centre on behalf of the Department of Immigration and Citizenship. http://www.ameprc.mq.edu.au/docs/research_reports/research_report_series/Opening_the_door.pdf (henceforth Moore et al.)

Rado, M., Foster, L., & Bradley, D. (1986). English language needs of migrant and refugee youth. Canberra: Australian Government Publishing Service.

Taylor, S. (2008), Schooling and the settlement of refugee young people in Queensland: '… the challenges are massive'. *Social Alternatives*, 27, 3, pp. 58-65. http://eprints.qut.edu.au/18222/1/18222.pdf

These reports include numerous references to other reports and research.

[158] CMYI & SELLEN. (2004). Pathways and pitfalls: The journey of refugee young people in and around the education system in Greater Dandenong. Melbourne: CMYI, p. 27. Cited in Moore et al. p. 54.

[159] Refugee Resettlement Advisory Council (RRAC). (2006, April). A Report to the Minister for Immigration on the education of young humanitarian entrants. Unpublished report; permission to cite granted, 24/08/07, p. 9. Cited in Moore et al. p. 45.

outcomes for them is inherent in the commitments of the humanitarian entrants program (section 6.4). These commitments apply as much to young people as to any others.

ACTA members advise that provision for these young people is generally quite inadequate, especially after they complete on-arrival English classes. Hence our earlier recommendation that, if the current Inquiry is to have positive effects that have eluded other investigations, it should direct its attention to discovering *why* problems identified so long ago remain unsolved, and why well-tested examples of best practice are not more widely emulated.

In the remainder of this section, we detail problems that hinder achievement of good settlement outcomes for this group. An earlier detailed report on this group provides a basis for some of our discussion.[160] Quotes from teachers in that report provide clear and authentic insights that we hope the Committee finds invaluable. The Inquiry's second Term of Reference regarding best practice will be addressed later in section.

3.6.1 Navigating the education system

Irrespective of their previous education, incoming migrant youth face a major challenge in understanding their options within the Australian education and training system. As the NSW Multicultural Youth Advocacy Network has described:

> Upon arrival in Australia young people are often faced with an education and training system that is very different to anything that they have previously experienced. Unfamiliarity with the school system and style of learning, as well as the vocational education and training (VET) system, means that ensuring young people and their families are aware of the educational pathways available to them can be challenging (Refugee Council of Australia, 2010).[161]

The Refugee Council of Australia's report *Finding the Right Time and Place* provides a useful (although slightly outdated) diagrammatic overview of the possible pathways for these young people, specifically as it applied in NSW in 2010.

See next page

[160] Moore et al. (cited above).
[161] http://www.myan.org.au/file/file/Education_Position_Paper_January_2011_FINAL.pdf p. 2

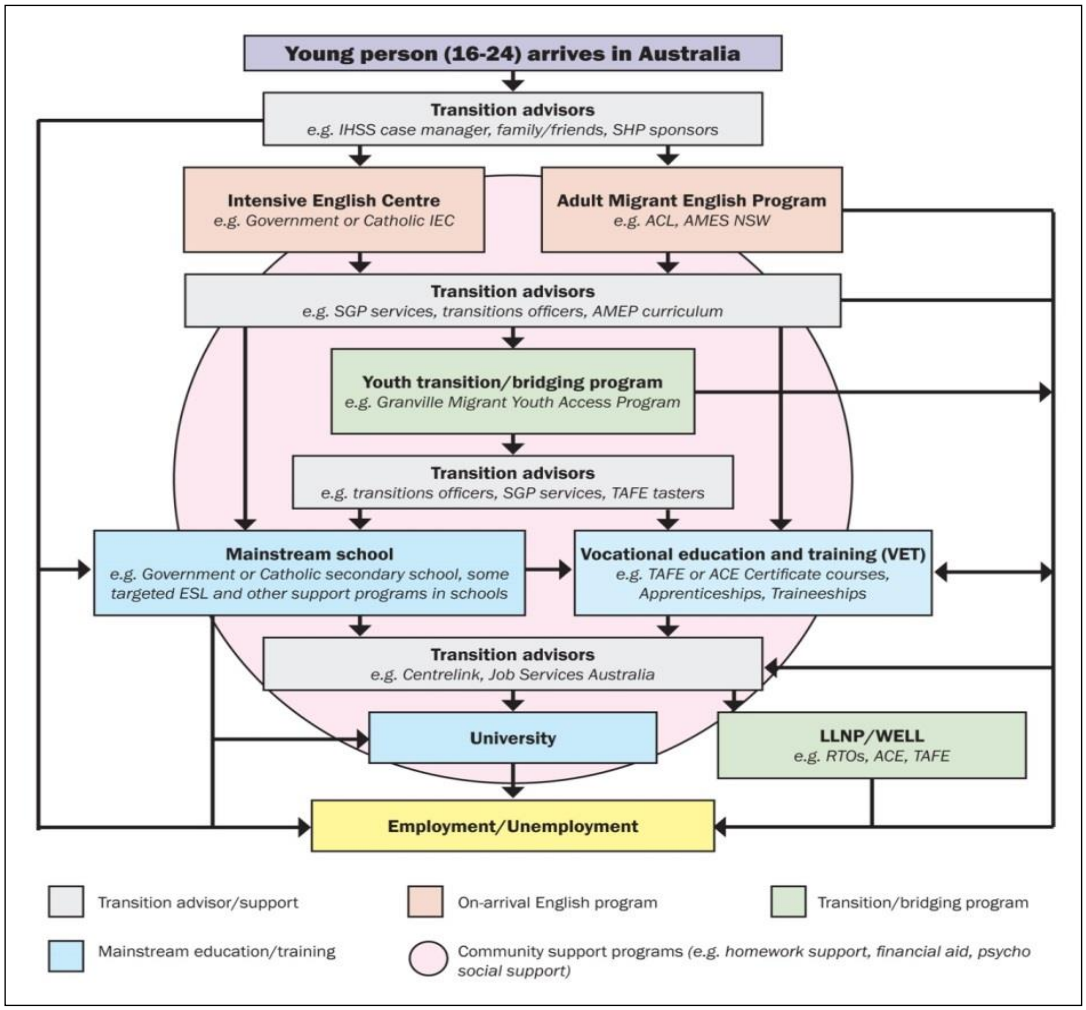

Figure 1: Educational Pathways for Incoming Migrant Youth[162]

This diagram highlights complexities for migrant youth in navigating the Australian education and training system, and the necessity for appropriate advisory support at key decision points. As we now outline, the choice of starting point has long-term consequences and is effectively irreversible. The chances of those with minimal/no previous schooling hitting brick walls are high.

(1) Getting started

For refugee youth whose formal schooling began at about age five and continued uninterrupted, the pathway is relatively straightforward. Their needs can and should be met by six months' intensive English language tuition, plus continuing support in transitioning to mainstream schooling and an age-appropriate mainstream school classroom (see section 2.3 Table 1). However, gaining this support is increasingly a matter of chance, as we reported earlier (section 3.4.5).

[162] Olliff, L. (July 2010). Finding the right time and place: Exploring post-compulsory education and training pathways for young people from refugee backgrounds in NSW. Refugee Council of Australia. http://www.refugeecouncil.org.au/publications/finding-right-time-place/ p. 5.

Those with highly disrupted/minimal/no previous education face a double educational challenge: they must learn English but also – and simultaneously – the behaviours and skills inherent in formal schooling (sections 2.4 & 4.4). Educationally, they fall through the particular "crack" created by the separation of both settlement services and Australian education according to a structural boundary that separates "*children"* from "*adults"*.

Within these boundary walls, four main on-arrival options exist for these youth. These are outlined in Table 6 below, together with our assessment of their desirability and some brief explanatory notes.

Table 6: Educational options for newly arriving refugee youth

OPTIONS	ACTA'S SUMMARY ASSESSMENT OF EACH OPTION	EXPLANATORY NOTES
SCHOOL SECTOR **Option 1 – *direct entry to a high school/senior college and placement in age-appropriate Year level.***	Highly undesirable. Students lack the foundational educational, English and literacy skills assumed by the school curriculum for that age group/Year level.	Some schools accept these enrolments in order to boost numbers and access associated funding (sections 3.4.5 & 3.6.3).
SCHOOL SECTOR **Option 2 – *Intensive English Centre (IEC) + School:* 12 months (sometimes 24 months) in an IEC followed by admission to the age-appropriate year level in a high school/college.**	Students' experiences in IECs are generally positive. IECs allow extended enrolment for students from refugee backgrounds with disrupted schooling Transitioning from an IEC into mainstream Year 9, 10 classes or above at school is almost always unsatisfactory.	Even with two years' intensive English, this group will typically not be able to succeed in the school curriculum at Year 9 and above, without ongoing EAL support (section 2.3 and 2.4). (Note the current deterioration in IEC and school programs documented in section 3.4.5). See Option 4 below.
VET SECTOR **Option 3 – *Special Preparatory Program (SPP) + AMEP.* The SPP offers 400 hours to 15-24 year old new arrivals with less than 7 years schooling; taught in groups of 12 or less; followed by 510 AMEP hours, in total approx. 1 year's intensive English.**	Youth-specific classes are highly satisfactory but they are rare (see section 3.6.1 (2) below). Placing youth in classes with older learners (sometimes even a parent) is generally unsatisfactory. Re special characteristics of these youth, see section 2.4 Table 2 and section 4.4.3 Table 8.	See above: 1 year of intensive English is insufficient to meet these learners' needs (section 2.3 & 2.4). Lack of facilities for out-of-class activities, especially sport, is a problem for many AMEP Centres. See Option 4 below.
VET SECTOR **Option 4 – *IEC or SPP+AMEP + school/VET bridging program*: 24 months combined intensive English & basic education tuition tailored to this age group, followed by pathways targeted to their needs.**	Best practice	See section 4.4. Exemplary provision in this mode has just been severely disrupted (section 3.6.4).

(2) Misconceptions and blocked pathways

Newly arriving adolescents with minimal/no previous schooling come with extremely high hopes for catching up on their lost schooling. As a teacher explained:

> *These young people have often been unable to access school all their lives. It becomes very precious.*[163]

Another said:

> *A lot of them have a very fixed idea of what education means for their future. It's either school or a lifetime of poverty. So there have been some come in, and say "I want school, I want school, I want school." These are 23 and 24 year olds.*[164]

However, the intense desire to attend school is commonly accompanied by an assumption that classes in Australian schools are organised according to **levels of knowledge,** rather than – as is actually the case – **in *age-based* Year levels**. This misunderstanding is exemplified in the following:

> *I had two of the elders of the Sudanese community come to me at different times—they're the spokespeople for some of the Sudanese community—and they said "We don't like what's happening to our young people in the schools. The schools are putting them into classes according to their age, and they can't cope, and they're leaving the schools, and they're out in the street, they're not going to school, they can't get jobs because they don't have an education or they get labouring jobs for a while and then there's no job left or the work slows down or whatever, and we're worried, and we want them to go into classes according to their ability."*[165]

The misunderstanding that educational level determines allocation to classes and Year levels is also found in the 2016 MYAN Youth report's "Key Issue" that "it is important to assess and place students at the right educational level".[166]

For adolescents with minimal/no previous education, such placement is largely impossible in Australian schools. However, the intense desire to attend school coupled with this misunderstanding leads many newly arriving refugee youth, including those in their late teens and early twenties, to present at their local high school and request admission. In some cases, they are given no advice about what to expect or possible alternatives, and are enrolled, despite the fact that the school is not equipped to cater for them. We elaborate on this point in section 3.6.3 below (see also section 3.4.5).

A related misconception regards the extent to which formal schooling requires both English and literacy skills, leading eager young people to try to bypass intensive English classes. As a teacher described:

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[163] Moore et al., p. 69.
[164] Moore et al., p. 68.
[165] Moore et al. p. 47.
[166] http://www.myan.org.au/file/file/GRYC%20Report_NOV2016.pdf. p. 14.
See also: submission 48 to this Inquiry, recommendation 6; and Yak, G. (2016). Educational barriers facing South Sudanese refugees in Australia http://www.refugeecouncil.org.au/ourwork/rcan/educational-barriers-facing-south-sudanese-refugees-australia/

> *Because they've never experienced school before, they don't understand that they need to prepare by learning the language first. They assume if you sit in a school it will just happen. So they sometimes try to avoid learning the language prior to starting school.*[167]

The age-based assumptions on which Australian classrooms are organised can be disastrous for this group. The following example of a 17 year old in an after school homework class makes clear the knowledge chasm they confront:

> [She] had recently exited an IEC and been placed in Year 10 in a school with over thirty years' experience in teaching students from non-English speaking backgrounds. The homework assignment was to discuss a historian's stance (i.e. not the actual content but the approach to it) in two closely printed pages describing the currency lads and lasses in Australia's early history. The young woman did not know that Australia had been a British convict colony and struggled with what this meant when it was explained to her. After working on the first paragraph (approx. 6 lines) for about twenty minutes, she was asked to describe the main idea. She indicated no comprehension of the question, much less the answer.[168]

A potential alternative to school is enrolment in the SPP/AMEP. The SPP+AMEP+TAFE pathway is potentially better structured and more adaptable than schools, and hence able to respond more flexibly to particular groups' learning needs (see section 4.4 on best practice). However, community misconceptions can deflect young people away from this option. As an AMEP teacher described:

> *TAFE has no status in the community. A lot of our students say, especially when they're just starting with us, "Oh, all my friends say what are you doing going there? It's for dummies, going to TAFE."*[169]

Misperceptions about a TAFE pathway may also stem from new arrivals' experiences of their home country's economy. As an interviewee suggested:

> *There are people who drive trucks, people who do traditional work, people who own large stores and then there are doctors and teachers. They don't understand the kind of industry and technology that we have here, the whole system of hospitality, skilled industries and things like that.*[170]

Unfortunately, the SPP+AMEP+TAFE option frequently looks much better on paper than it is in reality. The SPP is rarely the "preparatory" 400 hours tuition for 15-24 year olds that the name and description imply (section 3.5.1). AMEP providers explain that SPP classes are often not viable because insufficient numbers of eligible youth apply to enrol in AMEP Centres. Consequently, those who do apply are routinely placed in regular AMEP classes with older learners (sometimes their parents). These classes cannot offer the kind of curriculum and learning environment that we describe as best practice in section 4.4.[171] The reasons for low applications for the SPP are partly due to poor advice and partly to administrative boundary maintenance, as we explain below (sections 3.6.2 and 3.6.3).

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[167] Moore et al. p. 46.
[168] Moore et al. p. 48.
[169] Moore et al. p. 46.
[170] Moore et al. p. 46.
[171] For research into students' views of AMEP classes, see Harding L. & G. Wigglesworth (2005). Different generations, different needs: Migrant youth in English language programs. *Prospect* 20, 3 (Dec. 2005), pp.6-23. http://www.ameprc.mq.edu.au/docs/prospect_journal/volume_20_no_3/20_3_2_Harding.pdf

At the TAFE "end", there is often insufficient appreciation of the nature and degree of English language support needed by these young people For example, an otherwise exemplary "resource for program development" to support "transitions for young jobseekers" makes only token references to the need for "literacy" in the population under consideration (southeast Melbourne), although this population includes the City of Greater Dandenong, which the report documents as including 52 per cent non-English speaking background residents with 61.2 per cent speaking a language other than English in the home.[172]

The 2011 MYAN Youth report describes how pathways can disappear for incoming migrant/refugee youth on completing their intensive English entitlement:

> there are often inadequate levels of support to assist these young people in the transition from IECs to mainstream schools and to vocational education and training programs. This lack of support means that the transition can be very stressful, resulting in high levels of difficulty managing the new setting (and therefore achieving education/training outcomes) or disengagement from education and training.[173]

This concern applies even to those with educational backgrounds similar to Australian norms, as we have already indicated. For youth with minimal/no previous schooling, it is particularly acute.

Common misunderstandings about educational options and pathways can be countered, at least to some extent, by accurate and effective advice. However, provision of such advice is not straightforward for this group, as we now explore.

3.6.2 Problems in advising refugee youth with minimal/no previous schooling

(1) Ill-informed and poor advice

The misconceptions just outlined are sometimes promoted by those advising new arrivals. Refugee sponsors and church groups are particularly vulnerable to a lack of good information but professional advisors can also be inadequately prepared. An AMEP Counsellor reported:

> *Often the support workers themselves are recent arrivals who also don't know what the pathways are. So we need to get proper advice to the support workers working with the young person, so they can help them make the best choice. I think that's probably critical, because at the moment some of the support workers think it's either school or nothing. They're saying they must go to school.*[174]

Another AMEP manager reported that a community-based advisor/interpreter confessed to her that initially he had deliberately not translated her advice about pathways through the AMEP but instead had told young people to go to school.[175]

One of our members wrote to us in response to a draft of this section:

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[172] Myconos G (May, 2016) Supporting Transitions to Employment for Young Jobseekers: A resource for program development in south-east Melbourne by Chisholm and Homesglen TAFEs Fitzroy, Vic: Brotherhood of St Laurence http://librarybslorgau/jspui/bitstream/1/9365/1/Myconos_Supporting_transitions_for_young_jobseekers_resource_for_program_development_2016pdf p. 36.
[173] http://www.myan.org.au/file/file/Education_Position_Paper_January_2011_FINAL.pdf p. 2.
[174] Moore et al. p. 50.
[175] Moore et al. p. 51.

> *Social workers/case managers and counsellors for newly arrived youth are crucial in some of the poor decisions made, based on their lack of knowledge of the school system and a belief that everyone has the right to an education – a mantra that I have heard time and time again. The settlement services really need a lot of in-servicing to prevent some of the misinformation from being disseminated.*

Clearly, those advising young people must well-briefed and well trained. We offer some suggestions in our discussion of best practice (section 4.4).

(2) Advice not understood

Giving advice to adolescents is notoriously difficult, even without the complications and stress experienced by this particular group. As a youth worker described:

> *I go to an IEC, and I speak to them very slowly and I have the interpreter there with me. Now at the end of the class I say, "Has anyone here not understood what I've said?" I say, "If you don't understand, I'd like you to ask me now. Or if you're scared to ask me, please don't be, ring me up, come and drop in the centre, whatever you want or I'll come back." Then they come into the Centre and say "Oh look, you said this and we thought you were providing an employment options program."*[176] *One girl came to me and said "I thought you could give me a job." I said I never said that but her interpretation of that was that, and even with an interpreter translating it, it came across that way, but I didn't realise that.*[177]

Young people's fear of displeasing others, or just plain impatience, can mislead advisors:

> *I say to them, "What did you do with your IHSS case worker?" "Oh, they took us to get a Medicare card, blah blah blah, all this sort of stuff." But for them the easy response was to say "Yes, I understand," when really they didn't, because they were scared to say no. So when they come to me and I say "Don't you understand what that means?" "Well, not really because I felt that I had to say yes."*[178]

The complexities of the Australian education system, and the implications of the choices they must make, can overwhelm this group, as this focus group of teachers and youth workers described:

> *P1: Young people need options, but these options may be too difficult for them to deal with at this point in time. So you might say to them "Go to an IEC." "Well what is that?" or "What does that mean to me?"... They may think "Hold on a minute, I'm a fish out of water as it is, and now I'm even more of a fish out of water." ... And they're like "How do I get to where I need to be if I've been in the wrong program?"*
>
> *P2: It's overload.*
>
> *P3: It is total overload, they cannot take that information in.*
>
> *P4: Not within the first three months, if that's the cut off point [for getting into the AMEP]. ...*
>
> *P2: It's too much.*
>
> *P3: There's too much and the whole kind of structuring of it is they're expecting far more than can be given by any provider to any person coming from a war-torn, dreadful situation, who is also a youth.*

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[176] Cf. section 3.5.2 (3).
[177] Moore et al. p. 50.
[178] Moore et al., p. 51.

P4: In some cases, it's the least of their worries.[179]

We explore examples of how advice can be made more effective in section 4.4.2. However, the finality of decisions made on arrival is a problem, as we now explore.

3.6.3 Administrative inflexibilities and boundary maintenance

Intensive English programs for new arrivals are resourced through two separate funding streams. The States/Territories determine funding for IEC provision for school-aged children and Commonwealth funds the SPP/AMEP for adults. These funding streams determine the administration and regulations attaching to programs.

However, the needs of refugee adolescents with highly disrupted/minimal/no previous education cross the child/adult boundary. The structures and regulations that hold this boundary in place prevent and stifle adequate responses to their needs.

For example, once a new arrival has enrolled in either the school sector or the AMEP, it is virtually impossible to change from one to the other. ACTA understands that this prohibition exists to prevent "double-dipping" from the two different funding streams for on-arrival English. However, this inflexibility can lock young people into choices they come to regret, as described by the focus group above. Another teacher said:

> *They often go to school thinking that'd be great, and then they realise they're three feet taller than anybody else in the school and they're 10 years older than a lot of the kids in the school,*[180] *and they think "What am I doing here? I feel ridiculous." And they want to get out. Or the opposite—they'll go to an [AMEP] class which is full of old people, and their mother might be in the class, and their father might be in the class, and they go "Whoa, I don't want to be part of this. I want to get into the school system." So there's got to be all of that flexibility where they can move in and out. They've got to be allowed to make mistakes, and learn from them. [And not be held to a] five minute interview "Do you want to go into this class or do you want to go into the school?"*[181]

A young person may be lucky enough to enrol in one of the few post-primary schools that have developed a comprehensive range of programs, support and pathways into mainstream education, as we describe in section 4.4. If not, they face the situations we have described earlier in section 3.4.5.

As indicated above, the starting point with greatest potential to meet these young people's needs are youth-specific SPP classes followed by the AMEP, then on-going English and basic education tuition within the TAFE sector, coupled with pathways gradually leading to mainstream TAFE programs (vocational training or pathways to higher education) – see section 4.4. The SPP is theoretically open to 15 to 24 year olds with less than seven years schooling. However, as we have just indicated, insufficient eligible youth present at AMEP centres and youth-specific classes are not viable.

Aside from the misconceptions about school and TAFE just described, the reason for the insufficient numbers to create viable youth classes is because, if a new arrival is younger than

[179] Moore et al. p. 51.
[180] She was referring to 18-25 year olds here.
[181] Moore et al. p. 52.

18, he/she must first attempt to enrol in the school system (section 3.5.1). They can only be accepted by an AMEP provider after the provider has gained documentation from the relevant State/Territory Education Department stating that local schools lack adequate provision. This documentation must be submitted to the Commonwealth Department of Education and Training together with "supporting business case" for admitting the young person.[182] ACTA understands that authorities in several State and regional jurisdictions will not, on principle, provide the required documentation, irrespective of the availability of specialist support in schools. The paperwork, and resistance from schools seeking the funding attaching to EAL/D enrolments, are a major barrier to AMEP providers creating SPP classes and pathways for these young people.

We understand that this same boundary maintenance between AMEP Centres and schools frequently also prevents collaborative projects between the two sectors.

Competition *between* schools for enrolments can also undermine the potential for viable programs in schools. Dispersing and fragmenting on-arrival English funding between schools leads to the employment of part-time circulating ESL teachers who cannot provide the adequate support required (section 3.4.5 (iii)). ACTA has also been told of the unscrupulous practice whereby schools enrol students eligible for on-arrival English tuition, hold them until the census date that determines funding allocations, and then either seek to transfer these students to an IEC or allow them to drop out of school (cf. section 3.4.5 (ii)). We also understand that some schools admit youth older than 18. Unless AMEP provision is unavailable, ACTA believes this practice is unacceptable.

3.6.4 Disruption to programs and planning

The problems in promoting good settlement outcomes for refugee youth that we have just documented have yet to be overcome in any nationally coherent way. Schools are generally not well-equipped to cater for these youth because of their age-based organisational structure. Although the SPP + AMEP + TAFE route is *potentially* more flexible and needs oriented, it goes largely unrealised because of the boundary maintenance and institutional inflexibility just described.

Overcoming these inflexibilities is a pre-requisite to developing provision for refugee youth with disrupted/minimal/no previous education. It takes knowledge, experience, skill, long-term planning and personal and institutional commitment to create English language and basic education programs that are complemented by the necessary opportunities for gaining life skills (e.g. driver education, healthy eating) and out-of-class activities (e.g. sport), together with well-staged pathways into further education, training and employment (sections

[182] The draft RFT Adult Migrant English Program (AMEP) Service Provider Instructions (2017-2020) states:

> Youths under the age of 18 are expected to enrol in line with the compulsory school age legislative requirements of their respective State or Territory regardless of whether they meet AMEP eligibility requirements.
>
> Youths aged 15-17 whose needs are not being met by mainstream school, and are in their first year of settlement in Australia may be eligible to access the AMEP. You [i.e. the provider] from the [Commonwealth] department [of Education & Training] to register an eligible youth for AMEP by submitting an override request (MIS reference) in the MIS [= Management Information System], and supporting business case (Tier 4 template). Your request should demonstrate consideration of individual circumstances and consultation with local schools. p. 14, para. 2.5.

2.4 and 4.4). Building trust and collaborative relationships between providers and across sectors is essential to this work, a fundamental pre-requisite for which is program stability.

The requisite knowledge and skills do exist in some places and these support exemplary practice, as we document in section 4.4. ACTA is, therefore, profoundly shocked that the most outstanding and comprehensive example of best practice that we describe in that section, will now terminate in June, consequent on the new 2017-2020 contracts. Equally difficult to understand is the fact that the youth anti-social activity that concerns this Inquiry is located in the parts of Melbourne for which this provider held contracts. Their comprehensive and integrated offerings, developed over more than twelve years, contained all the elements and pathways universally identified as necessary in provision for refugee youth (sections 2.4 and 4.4). Exemplifying the need for stability, this provider's (SPP+) AMEP contracts were the basis on which they attracted other grants for complementary activities. The relationships built with bodies such as the Multicultural Youth Advocacy Network, the Western Bulldogs AFL Club, La Mama Theatre and Netball Australia have no purpose once the core program of English language and related tuition has gone (see section 4.4.4, Figure 2 and (1)). We can only suppose that the dedicated educators who built and taught this program (many of whom were there at the beginning) must be heart-broken.[183]

As far we are aware, this provision has not been replicated to the same extent anywhere else in Australia. Although its youth program (the Young Adult Migrant English Course/YAMEC) is not as comprehensive, the successful tenderer replacing the existing provider in Melbourne is also cited in our submission as an example of excellent practice in this field (section 4.4.4). However, extending its range across the whole Melbourne metropolitan area runs the risk of over-extension. In any case, developing the local knowledge and linkages that the existing provider has achieved over the years will certainly be challenging and in some cases impossible. It is no secret that intense competition between these two providers has consistently blocked any form of collaboration between them and has encouraged the predatory behaviour we noted (3.5.5). It would be naïve to think that the outgoing provider will assist the incoming provider in *any* way to establish its own offerings.

ACTA has no doubt that the newly successful provider will endeavour to build on their existing high quality offerings. However, no guarantee exists that their endeavours will not meet with the same outcome in post-2020 contracts.

ACTA cannot assert too strongly that this repeated disruption to English language and related provision for adults and refugee youth is counter-productive, unnecessary, wasteful and tragically damaging for individuals (students and teachers) and institutions.

3.6.5 Conclusion

ACTA believes that a comprehensive cross-sectorial view is required regarding provision for adolescents with highly disrupted/minimal/no previous schooling. As an AMEP manager said:

[183] ACTA has had no communication from these personnel since the contracts were announced, aside from a note saying that the program will discontinue after June. Given that AMES Melbourne retains SEE Program contracts and regional AMEP contracts, we suspect that fear of losing these contracts underlie this restraint (see section 3.5.5).

> *There's a lack of knowledge of the overall system, there's a lack of knowledge of what TAFE or ACE [Adult and Community Education] actually do provide, also a reluctance to go outside what's perceived as mainstream – in this case, school is seen as mainstream post-Language Centr, and TAFE is not. There's still a huge debate going on around the issue of refugee youth pathways, … [in] groups like the Settlement Planning Committee and the numerous groups that work on a regional basis, who grapple purely with what schools can do. What can schools do with refugee young people with disrupted education? The debate is confined to those parameters. It doesn't go into what is available through the different sectors, mapping what's available and what would be very productive positive pathways for these young people. There's a huge blind spot.*[184]

This "blind spot" extends to various reports and research projects, which frequently focus entirely on schools.[185]

ACTA hopes that this Inquiry can develop recommendations directed to:

- improving training for all professionals and other advisors in contact with refugee youth with highly disrupted/minimal/no previous education, as well as their families and communities, on educational options and pathways specifically suited to their needs
- providing more comprehensive and comprehensible advice to community and volunteer organisations, sponsors and families on educational options and pathways suited to this group's special needs
- eliminating restrictions on access to the SPP+AMEP+TAFE pathway for those aged 15 – 18 with disrupted/minimal/no previous education
- encouraging collaboration and joint projects between schools, AMEP providers and TAFE colleges, including projects that permit easier access to the SPP for this group
- allowing greater flexibility in the application of regulations that currently restrict these young people's ability to choose the best available local pathways and to change course if initial choices prove unsatisfactory
- ending the catastrophic disruption to long-standing, high quality programs and pathways for this group
- encouraging and extending stable, on-going development of comprehensive and coherent provision for this group.

Our own recommendations follow our section on best practice (section 4.4).

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[184] Moore et al., p. 51.

[185] E.g. African Think Tank Inc. (2007). African Resettlement in Australia: The way forward. Report of the Inaugural African Resettlement in Australian Conference, Melbourne: University of Melbourne, 11-13 April.

Cassity, E., & Gow, G. (2005). Making up for lost time: The experiences of Southern Sudanese young refugees in high schools. *Youth Studies Australia*, 24(3), 51.

Howard Research & Management Consulting Inc. (2006, April). Review of ESL K-12 program implementation in Alberta. Final Report. Edmonton: Alberta Education.

Miller, J., J. Mitchell & J. Brown (2005).African refugees with interrupted schooling in the high school mainstream: Dilemmas for teachers. *Prospect*, 20, 2 (August 2005), pp. 19-33.

Taylor, S. (2008), Schooling and the settlement of refugee young people in Queensland: '… the challenges are massive'. *Social Alternatives*, 27, 3, pp. 58-65. http://eprints.qut.edu.au/18222/1/18222.pdf

Woods, A. (2009). Learning to be literate: Issues of Pedagogy for recently arrived refugee youth in Australia. *Critical Inquiry in Language Studies*. 6, 1-2, pp. 81-101.

4. Term of Reference 2:

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

4.1 BEST PRACTICE - EARLY CHILDHOOD EDUCATION

A key component of the Australian Government's *National Quality Framework* for early childhood education and care is the nationally developed Framework *Belonging, Being and Becoming – the Early Years Learning Framework*. It describes "the principles, practices and outcomes that support and enhance young children's learning from birth to five years of age, as well as their transition to school".[186] This Framework and its associated resources are excellent starting points for best practice in addressing the particular problems faced by migrant/refugee children.

Earlier we listed the particular problems in accessing ECEC by this group: gaining good information, cultural, linguistic and financial barriers (section 3.3.3). As we noted, the National Quality Framework (NQF) includes specific provision for an Inclusion Agency in each State/Territory, which we assume will address these problems.[187] Legislation to address financial barriers for *all* families was being debated in the Parliament as this submission is being written and the outcomes are unclear to us.

We commend the Inquiry to investigating progress in creating Inclusion Agencies and the extent to which the outcomes of the legislation under discussion are genuinely effective in increasing migrant/refugee families' access to ECEC.

In what follows, we consider existing best practice in providing information and overcoming cultural and linguistic barriers to ECEC for these families, and the potential for improvement. Overall, it seems to us that the infrastructure is largely in place in Australia and the main issue is ensuring that it is utilised in the right places.

4.1.1 Information

Considerable work has been done through the National Quality Framework (NQF) on provision of information in languages other than English. A guide to the NQF exists in 20 different languages. There is further information for carers and communities in 11 different languages.[188] Video materials have also been developed, which could potentially address the needs of non-literate parents/carers.

The issue is whether and how this information gets to migrant and refugee parents/carers, especially new arrivals. The specific information sources that target this group are:

i. Pre-embarkation advice from immigration officials and others
ii. Humanitarian Settlement Services (HSS) workers
iii. Community-based advisors, relatives, elders, friends and sponsors
iv. Migrant Resource Centre (MRC) workers.

[186] https://www.education.gov.au/early-years-learning-framework
[187] http://www.acecqa.gov.au/educators-and-providers1/inclusion-and-professional-support-program-agency-contact-details
[188] https://docs.education.gov.au/node/33605; see also https://docs.education.gov.au/system/files/doc/other/eylf-posters_0.pdf

ACTA lacks the resources to investigate the extent to which good advice regarding ECEC is made available through these agencies. The Inclusion Agencies created through the NQF should make collaboration with all these agencies and individuals a high priority.

In addition, AMEP childcare centres are prime sites where comprehensible, quality information and assistance to access ECEC can and should be provided. Despite the fact that childcare is not available to those enrolled in the SEE Program, it is potentially another site where information on the benefits of pre-school could be made available to parents/carers.

Earlier, we described the work of Community Hubs with migrant women and children (section 3.5.2 (i)). These Hubs have excellent potential to assist parents/carers and communities in gaining accurate, locally relevant information about ECEC, and are probably the most effective way to contact and work with communities. However, although the Hubs website mentions play groups for pre-school children, we could not find specific mention of links to or collaboration with ECEC authorities and providers. We believe there is considerable potential for development in this respect. ACTA would also welcome a recommendation endorsing a national roll-out of these Hubs.

We believe the Inquiry should probe whether and how all these agencies are making use of NQF resources, and the extent to which they are found to be useful.

The needs of those for whom written information (in any language) presents problems require particular attention, as we discuss further in regard to best practice in advice for refugee youth with minimal/no previous schooling (see section 4.4.2).

ACTA does *not* endorse advice to parents/carers who lack good proficiency in English that they should use English in the home (see section 2.3). Rather, advice should stress the importance of developing and consolidating children's talk, pre-literacy skills and early literacy in the home language. There is strong evidence to show that parents reading enjoyable material to their children assists in developing literacy – in homes using languages other than English, reading should be those languages.[189]

4.1.2 Overcoming language and cultural barriers

In early childhood education, best practice fosters and builds on the children's home languages while introducing them to English. A world-class guide that applies NQF principles to migrant-background children, including strategies for welcoming families, was developed by Australian world-authority Dr Priscilla Clarke OAM for the Victorian Curriculum & Assessment Authority.[190] It includes concrete examples and references to other resources. Her earlier publication provides a comprehensive analysis of principles and best practice in early childhood education for migrant background children from birth to six years.[191] A NSW resource is the *Diversity in Practice* resource kit for early childhood services

[189] http://www.abc.net.au/radionational/programs/lifematters/reading-a-key-tool-for-getting-ready-for-school/8208212)
[190] http://www.vcaa.vic.edu.au/documents/earlyyears/eyaddlangresource.pdf ; see also http://www.education.vic.gov.au/childhood/providers/edcare/Pages/veyladf.aspx?Redirect=1
[191] http://www.fletchermontessori.com.au/uploads/supporting_children_english_2nd_language.pdf

working with children and families from migrant and refugee backgrounds in the Nepean area.[192]

As with the provision of good information to parent/carers, resources supporting good practice in ECEC seem adequate, if not plentiful. The key issue appears to be ensuring that ECEC providers put these resources to good use. Educator quality is critical here (section 3.3.1). The priority must now be professional training and on-going professional development in utilising these resources.

4.1.3 Conclusion and recommendations

The following matters require attention to achieve best practice in assisting migrant and refugee families to access quality ECEC:

1. parents/care givers must obtain truly comprehensible information that they find credible about the benefits of ECEC
2. financial support to access quality ECEC must be appropriate to families' circumstances
3. parents/carers require effective individual assistance that overcomes their doubts and smooths their access to ECEC
4. ECEC staff and centres must be welcoming and cross-culturally competent
5. ECEC staff and those in training require professional development about bilingual strategies and resources that will:
    i. support children's home languages
    ii. set children on paths to English, and
    iii. develop children's literacy in both the home language and English.

Our recommendations are as follows.

5. ACTA recommends the JSCM request the Senior Officials Settlement Outcomes Group to:
    i. extend the *National Settlement Framework*, the *National Settlement Services Outcomes Statements* to include **explicit recognition of the need for access to quality Early Childhood Education and Care (ECEC)** by migrant and refugee families
    ii. identify **specific barriers** in access to ECEC by migrant and refugee parents/carers, including those with minimal/no literacy skills
    iii. ensure that **childcare** is available to mothers/carers enrolled in post-AMEP training and education, including the SEE Program
    iv. increase **collaboration between settlement agencies in *all* NFS areas** with the Australian Children's Education & Care Quality Authority, ECEC training providers in sharing information and providing professional development for front-line workers, including giving effective information and advice to carers/parents
    v. request **annual reporting from the NQF State/Territory Inclusion Agencies** on their work in promoting access to ECEC by migrant and refugee parents/carers.

[192] http://fwtdp.org.au/wp-content/uploads/2014/01/diversity-in-practice.pdf

4.2 BEST PRACTICE – SCHOOLS

Australia's ongoing immigration program requires that schools meet the immediate and long term English learning needs of migrant and refugee children. In turn, Australian Governments, State/Territory education authorities, systems and schools must give these needs committed attention and stable resourcing. Currently, both are lacking.

In this section on best practice in the school sector, we outline the elements that would follow from this commitment. First, we specify the standards that should operate at system, school and classroom levels. Second, we describe the research-based evidence that supports these standards. Finally, we document examples from the rich array of Australian resources that can be utilised in meeting these goals.

4.2.1 Best practice EAL/D standards for schools

(1) At system level

The following standards would constitute best practice at Commonwealth, State/Territory, Catholic/Independent Private School and regional levels. Currently, many of these standards are not being met.

1. Education systems operate a **dedicated, comprehensive EAL/D Program** targeted to meeting students' English language and related learning needs as determined by:
    i. **English proficiency** of students from language backgrounds other than English (LBOTE) on a nationally accepted consistent English language proficiency measure
    ii. **number of years and location of previous schooling** vis-à-vis age-related norms

2. The EAL/D Program includes **systematic provision** for the settlement, wellbeing and educational needs of migrant and refugee students, based on their EAL/D and related learning needs, through:
    i. **Intensive English provision** for new arrivals in schools/centres or a dedicated program in a mainstream school
    ii. **on-going EAL/D provision** in mainstream schools
    iii. allied **counselling and interpreting** support
    iv. **school-agency partnerships** that foster community health and participation.

3. Education system **policy guidelines** inform schools about the EAL/D Program's purpose, eligibility criteria (as per 1 above), operation, reporting and accountability requirements, and quality assurance expectations.

4. Education system policy guidelines incorporate **a standardised process of collecting information** about schooling prior to arrival in Australia (years, locations, gaps in schooling).

5. **Nationally agreed, consistent assessments of students' English language proficiency** are used as the basis for:
    i. **allocating EAL/D funding** to systems and schools
    ii. determining requirements for **specialist EAL/D teachers**
    iii. national, State/Territory/system-level **data collection** and reporting on EAL/D learners.

6. Schools' tagged EAL/D funding allocations are determined by **an annual survey that documents the EAL/D proficiency levels** of their Language Background Other than English (LBOTE) students.

7. The **itemised expenditure of tagged school EAL/D funding** is reported to:
    i. the school's community
    ii. education system managers
    iii. State/Territory authorities.

8. The **Commonwealth and States/Territories report annually** on the use of tagged EAL/D funding, including:
    i. English proficiency levels, Year levels and ages of those targeted for support through these funds
    ii. numbers of qualified TESOL teachers employed
    iii. other expenditure from these funds.

9. The Commonwealth and States/Territories report annually on **English language outcomes mapped against the nationally agreed English proficiency measure** for students funded through tagged EAL/D funding.

10. Education systems support quality teaching of EAL/D students by:
    i. employing teachers with recognised **TESOL qualifications** to support EAL/D students and their schools
    ii. **supporting teachers** to undertake accredited TESOL training
    iii. providing **EAL/D consultancy support** to schools
    iv. providing **whole-school, across-the-curriculum EAL/D professional learning** for classroom/subject teachers
    v. supporting ongoing **EAL/D teacher professional development and networks**.

11. Education systems maintain **a dedicated EAL/D central unit** with responsibility for:
    i. **State/regional-level planning and coordination** of EAL/D provision in schools
    ii. **outcomes reporting**, performance monitoring and developing EAL/D provision
    iii. **system and school level advocacy and leadership development** for EAL/D teaching and learning.

(2) At school-level

1. **School principals, teaching and administrative staff, and governing councils** promote students' English language and literacy learning throughout the school by:
   i. understanding how **EAL/D learning needs** occur across all curriculum areas
   ii. recognizing the role, value and contribution of **specialist EAL/D teaching** to the literacy learning of all students
   iii. facilitating **EAL/D learner access** to specialist EAL/D teacher support through effective modes of delivery (e.g. parallel EAL/D classes, team teaching, resource development, program planning and evaluation, and professional development and advocacy)
   iv. fostering **multilingualism, intercultural communication and an anti-racist school culture**.

2. Schools ensure **a continuum of EAL/D tuition and support** for newly arrived migrant and refugee students through:
   i. **intensive English classes** or referral to an Intensive English Centre
   ii. **transition support** for learners' transferring from intensive English classes to the mainstream curriculum/school
   iii. **on-going EAL/D programs** for learners across the curriculum
   iv. appropriate support for **learners' well-being**
   v. partnership with the **local school community**.

3. Schools implement a **whole school approach to the EAL/D program** through collaborative annual planning and review of:
   i. EAL/D learner needs and progress
   ii. targeted provision, program priorities and improvement strategies
   iii. professional development for all staff working with EAL/D learners.

4. Schools/Principals support effective teaching of EAL/D students in the school by:
   i. appointing **TESOL qualified EAL/D teachers to EAL/D-funded positions** and programs
   ii. ensuring teachers have regular access to **system-level EAL/D professional development** opportunities
   iii. **engaging all staff** in school-based across-the-curriculum EAL/D professional development.
5. Schools use appropriate English language proficiency assessment tools and processes to **collect accurate EAL/D learner data** for analysis, planning and teaching.

6. Schools ensure that their executive staff and leadership **include EAL/D specialists in their decision-making**, and provide pathways for EAL/D teachers to gain leadership roles in their schools.

7. Schools target EAL/D program support through:
   i. **strategic allocation and coordination of EAL/D teachers** across school grades/years
   ii. use of **effective, evidence-based models** of EAL/D program delivery
   iii. collaborative planning and teaching with mainstream class/subject teachers.

8. Schools are accountable for their EAL/D funding and EAL/D teacher allocation through **annual reporting on the use of the resource** to support EAL/D student learning outcomes.

9. Performance management for teachers working with EAL/D learners is informed by the **ACTA EAL/D Elaborations of the Australian Professional Standards for Teachers**.[193]

(3) At classroom level

1. Specialist EAL/D teachers have **recognised specialist knowledge** about:
   i. the English language
   ii. English language demands across the curriculum
   iii. how English is learned as an additional language or dialect at different ages
   iv. effective EAL/D pedagogy
   v. intercultural interaction in classroom, school and community
   vi. current migration and refugee resettlement issues that can impact on their students.

2. EAL/D teachers **use this knowledge skilfully** to:
   i. identify, assess and report on EAL/D learner needs and progress
   ii. develop effective EAL/D programs for particular EAL/D learner groups
   iii. use and develop effective assessment and teaching strategies, tools and resources
   iv. collaborate with and act as an across-the-curriculum resource for colleagues
   v. advocate for EAL/D learners with colleagues, school management and administrative staff
   vi. promote an anti-racist, anti-bullying, inclusive culture in the school
   vii. communicate with families/carers and the wider community.

3. EAL/D teachers provide English language and literacy instruction to EAL/D students in **a variety of effective delivery modes,** such as special classes, team teaching, in-class and tutorial support.

4. Mainstream class/subject teachers **collaborate with their EAL/D specialist colleagues** in identifying EAL/D learner needs and progress, developing appropriate and effective teaching programs and strategies, and using appropriate assessment tools.

[193] http://www.tesol.org.au/RESOURCES/Australian-Professional-Standards-for-Teachers

6. EAL/D teachers and class teachers collaborate in developing **an effective whole school EAL/D program** that:
    i. identifies the academic English language, literacy and intercultural **demands of different curriculum/subject areas**
    ii. **assesses the English and related learning needs and achievements** of EAL/D learners at different proficiency levels and taking account of different cultural backgrounds
    iii. uses this knowledge to **inform learning objectives and teaching** across the curriculum
    iv. develops and disseminates across-the-curriculum **English language and literacy resources and teaching strategies** appropriate to EAL/D learners' proficiency levels
    v. **modifies learning tasks,** task sequences and teaching units integrating English language and subject matter content and scaffolding EAL/D students' speaking, listening, reading and writing skills
    vi. fosters effective teaching of EAL/D students **in mainstream classes**
    vii. **evaluates effectiveness** of delivery modes, programs, strategies and resources for EAL/D learners
    viii. **promotes respect** for all students and cultures in and beyond the school.

4.2.2 The evidence basis for best practice standards

An extensive international and local evidence base supports the standards we have described above, including multiple examples of other standards for EAL/D programs, learner assessment and teacher qualifications (in both the school and adult sectors).[194]

In what follows, we present key findings from research into effective practice for EAL/D learners which have informed the best practice standards above.

[194] See, for example:
http://www.cal.org/content/search?SearchText=esl+standards+&SearchButton=Search&SubTreeArray%5B%5D=63 There are 456 matches for "ESL standards" at this link.
http://manoa.hawaii.edu/coe/credenational/the-crede-five-standards-for-effective-pedagogy-and-learning/ These five standards are based on extensive analysis of recommendations on which the literature is in agreement across all cultural, racial and linguistic groups in the USA for all age groups and subject matters.
http://www.tesol.org/advance-the-field/standards
http://www.colorincolorado.org/article/standards-impact-english-language-learners
http://www.calpro-online.org/o_guides/esl_res_og/5.asp
http://www.cde.ca.gov/sp/el/
http://www.lasc.edu/students/bridges-to-success/documents/NewInstructorCALPRO.pdf
http://www2.gov.bc.ca/assets/gov/education/administration/kindergarten-to-grade-12/english-language-learners/special.pdf
http://cea-accredit.org/about-cea/standards
http://www.capellct.org/pdffiles/CAPELL_ESOL_GUIDELINES.pdf
https://www.esl-languages.com/en/study-abroad/adults/school-quality/index.htm
http://www.dodea.edu/Curriculum/ESL/upload/eslprogramGuide0307.pdf

(1) Systems

Education systems that adopt these standards and practices have demonstrated improvements in EAL/D learner outcomes.[195] For example, exceptional learner outcomes were achieved by four American school districts (the "Great City" school districts in Dallas, New York City, San Francisco and St. Paul) which have significant English learner populations. The distinctive features of their approach were compared with lower-performing, slower-improving systems, and included:

- a shared vision for reform
- a system-based strategy for improving instruction and services for English language learners
- district leadership and advocacy on behalf of English language learners
- an empowered English Language Learner Office included in the highest levels of decision-making
- external compliance requirements to leverage real reforms in programs for English language learners
- comprehensive district planning and adoption of language development strategies for English language learners
- extensive and sustained district support for implementation of these strategies
- a culture of district-school collaboration and shared accountability
- hybrid models of instructional leadership and local empowerment
- strategic school staffing across the district
- ongoing, high quality relevant EAL/D professional development for all teachers
- use of English language learner student data to inform teaching
- increased English Language Learner funding and strategic reallocation of existing resources.

The list above can be seen as a coherent infrastructure or holistic framework dedicated to supporting EAL/D learners, their teachers and schools. These "systems of support" are characterised by:

i. district-wide professional English language learning support
ii. school-based specialist teacher support
iii. a collaborative, student-focused staff culture
iv. appropriate instructional resources
v. a district and school English learning leadership network.[196]

[195] Horwitz, A., Price-Baugh, R., Simon, C., Uzzel, R., Lewis, S., & Casserly, M. (2009) Succeeding with English Language Learners: Lessons Learned from the Great City Schools. Council of the Great City Schools: Washington DC.

[196] Cummins, J., R. Mirza, & S. Stille (2012). English language learners in Canadian schools: Emerging directions for school-based policies. *TESL Canada Journal*, 29, 25.Elfers, A., T. Stritikus, K. Calaff, K. Von Esch, A. Lucero, M. Knapp, & M. Plecki (2009). Building systems of support for classroom teachers working with second language learners: A report prepared for the Center for strengthening the teaching profession. Seattle: University of Washington, College of Education. Retrieved 2014 from http://depts.washington.edu/ctpmail/PDFs/ELL.Study-July2009.pdf.Elfers, A. M., A. Lucero, T. Stritikus, & M. S. Knapp (2013). Building systems of support for classroom teachers working with English language learners. *International Multilingual Research Journal*, 7, 2, pp. 155-174.

Such systems of support have developed in response to growing EAL/D learner school populations and the research-based evidence of the time most learners need in order to meet the academic English language and literacy demands of the school curriculum (section 2.3). The development of these systems recognises that supporting these students' English learning is beyond the capacity of any individual teacher or school and can only be effected through a coordinated, systemic approach.[197]

(2) Schools

Research at school level highlights that system-level infrastructure must be paralleled at school level. A synthesis and meta-analysis of three decades of North American research identified five key interacting school level factors that explained strong achievement by English language learners:

i. administrative support
ii. collaboration among colleagues
iii. student contact hours in the program
iv. direct/explicit instruction of language learning objectives in ESL and mainstream classes
v. a strong sense of advocacy for the target group.[198]

Similarly, in their review of research on school and classroom effectiveness for language minority children, August and Hakuta summarise key features as:

> a supportive school wide climate, school leadership, a customised learning environment, articulation and coordination within and between schools, use of native language and culture in instruction, a balanced curriculum that includes both basic and higher-order skills, explicit skill instruction, opportunities for student directed instruction, use of instructional strategies that enhance understanding, opportunities for practice, systematic student assessment, staff development, and home and parent involvement.[199]

For newly arrived refugee students, a holistic whole-school approach includes:

> attention to school ethos, welcoming environments, good induction procedures, home liaison, community links pastoral care, ESL and English language support, racism and xenophobia and first language support. Whole school approaches highlight preparedness to address pre- and post-displacement issues that make the present acceptable and provide 'hope for the future'. Welcoming environments create a sense of self-worth, security, and belonging that enables students to form new relationships and make new friends. Whole school approaches are critically important to settlement. They reduce vulnerability and build resilience.[200]

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[197] Brisk, M. E. (2006). *Bilingual education: From compensatory to quality schooling*. Routledge.
[198] Roessingh, H. (2004). Effective high school ESL programs: A synthesis and meta-analysis. *Canadian Modern Language Review*, 60, 5 , pp. 611-636
[199] August, D. & K. Hakuta (eds.).(1997). *Improving schooling for language-minority children: A research agenda*. p.171.
Pugh, K., D. Every & R Hattam (2012). Inclusive education for students with refugee experience: whole school reform in a South Australian primary school. *The Australian Educational Researcher, 3, 2*, pp. 125-141
[200] Mathews, J. (2008). Schooling and settlement: refugee education in Australia. *International Studies in Sociology of Education*, 18, 1, pp. 31-45; p. 40.

In Australia, a large scale intervention study conducted in eleven disadvantaged government and Catholic primary and secondary schools in south-western Sydney aimed to develop a whole school ESL approach that improved the language, literacy and numeracy performance of EAL/D students, including refugee students, through four interrelated school processes:

i. targeted support for students involving ESL teaching, cross-curricular support and after-school homework/study centres
ii. professional development for all teachers in developing their understanding of EAL/D pedagogy, and how to include an explicit and systematic language learning focus in their programs
iii. school leadership teams acquiring knowledge of and commitment to the use of EAL/D pedagogy that 'allowed them to become leaders of pedagogical change'
iv. parent and community engagement.[201]

A rigorous evaluation found considerable evidence of improved:

- English language proficiency of EAL/D students
- language and literacy for all students in all the schools, including results in NAPLAN and Basic Skills Tests, with "at risk" students significantly above State averages
- classroom teacher and school leadership capacity.

A critical factor in the success of this project was comprehensive collaboration between EAL/D teachers, EAL/D Multicultural Consultants, school leadership, and Community Liaison Officers.

Research also documents the key role played by school leadership in building inclusive whole school systems of support that meet the language learning needs of EAL/D students.[202] Such leadership is typically distributed across the school and has an instructional focus through:

- promoting effective, differentiated pedagogy and collective staff responsibility for progress towards shared goals
- collection and use of ongoing formative data to monitor student engagement and achievement for instructional improvement and whole school planning purposes
- strong professional development support programs for all staff, including administrators, with opportunities for peer and expert coaching, and collegial sharing
- assisted parent and family participation, building school-community relationships.[203]

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[201] *Successful Language Learners (SLL)* project in DEC NSW (2011). *Literacy and Numeracy Pilots: Final Report.* DEEWR: Canberra. Accessed at: https://www.cese.nsw.gov.au/evaluation-repository-search/successful-language-learners-whole-school-esl-language-and-literacy-practices

[202] Calderón, M., R. Slavin, & M. Sánchez, M. (2011). Effective instruction for English learners. *The Future of Children*, 21, 1, pp. 103-127.

Scanlan, M., & López, F. (2012). ¡ Vamos! How school leaders promote equity and excellence for bilingual students. *Educational Administration Quarterly*, 48, 4, pp. 583-625.

Stufft, D. L., & Brogadir, R. (2011). Urban principals' facilitation of English language learning in public schools. *Education and Urban Society*, 43, 5 pp. 560-575.

[203] Elfers, A, & Stritikus, T. (2013) .How school and district leaders support classroom teachers' work with English language learners, *Educational Administration Quarterly*, 20, 10, pp. 1-40.

(3) Programs and instruction

Examining data on student achievement and program comparison from some 900,000 students over the period 1982–2001 in the USA, two studies by Thomas and Collier identified three key predictors of academic success for ESL students which were stronger than SES or gender variables. Academic success was defined as "ESL students reaching full educational parity with native English speakers in all school content subjects (not just in English proficiency) after a period of at least 5-6 years". The three key factors were:

i. **continuing specialist support** in English and their first language where possible, involving "cognitively complex academic instruction through the students' first language for as long as possible" and "cognitively complex academic instruction through English for part of the school day"
ii. **interactive and engaging classroom language-based teaching and learning** involving communicative teaching/learning strategies and the teaching of language [=English] through content
iii. school executive and teachers who were **knowledgeable and trained in ESL pedagogy and multicultural education** and had high expectations of student achievement.[204]

An ecological perspective on classroom instruction for EAL/D learners highlights how learning contexts for these students are created through a combination of teachers' understandings about EAL/D students' learning needs, their beliefs about their role in addressing those needs, and the institutional practices in which they participate. The language participation and learning opportunities available to students in different classrooms are crucially shaped by these factors.[205]

Research on classroom pedagogy for EAL/D learners has described effective EAL/D instruction as a high challenge/high support system that "apprentices" EAL/D learners into the language and literacy of school subjects. This discursive apprenticeship is an explicit and interactive process of modelling, scaffolding and coaching target language and literacy skills.[206] During this process, EAL/D pedagogy seeks to maximise learners' exposure to and interaction with unfamiliar language forms and meanings of curriculum content at the same time as providing students with multiple opportunities for supported receptive (listening and reading) and productive (speaking and writing) communication practice across the spectrum

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[204]. Thomas, W. & Collier, V. (1997) School effectiveness for language minority students. National Clearinghouse for bilingual education: George Washington University, Washington DC.
Thomas, W. & Collier V. (2002) A National Study of School Effectiveness for Language Minority Students' Long Term Academic Achievement. CREDE: UC, Berkeley.
[205] Haneda, M. (2008). Contexts for learning: English language learners in a US middle school. *International Journal of Bilingual Education and Bilingualism*, 11, 1, 57-74.
[206] Hammond, J. (2006). High challenge, high support: Integrating language and content instruction for diverse learners in an English literature classroom. *Journal of English for Academic Purposes*, *5*, 4, pp. 269-283.
Collins, A., J. S. Brown & S.E. Newman (1988). Cognitive apprenticeship: Teaching the craft of reading, writing and mathematics. *Thinking: The Journal of Philosophy for Children*, 8, 1, pp. 2-10.
Kong, A. & P. D. Pearson (2003). The road to participation: The construction of a literacy practice in a learning community of linguistically diverse learners. *Research in the Teaching of English*, 38, 1, pp. 85-124.
Schleppegrell, M. J. & O'Hallaron, C. L. (2011). Teaching academic language in L2 secondary settings. *Annual Review of Applied Linguistics*, 31, pp. 3-18.
Gibbons, P. (2006). *Bridging discourses in the ESL classroom: Students, teachers and researchers*. A&C Black.

of informal to formal spoken and written language.[207] At the micro level of classroom interaction, EAL/D instruction is differentiated through planned and contingent scaffolding around classroom learning tasks.[208] In this process, learners' first language and developing English is used wherever possible as a strategic resource for thinking, talking and learning.[209]

EAL/D learners access specialist instruction through different modes of program delivery that are organised with the support of school executive staff. In particular, collaborative planning and teaching involves the EAL/D and class/other subject teachers working together to develop and implement teaching tasks and units. These tasks integrate learning English and subject content. Collaboration promotes mutual professional learning and leadership in the practice of EAL/D pedagogy in the school.[210]

4.2.3 EAL/D education in Australian schools: some examples of best practice

Since the 1980s, Australian EAL/D educators have exemplified best practice in all domains of EAL/D provision in schools. As we will also note in regard to provision in the adult sector and for adolescents, the problem is not lack of knowledge or examples, but rather the extent to which best practice is widely and consistently available to learners, teachers and schools. The standards described in 4.2.1, underpinned by stable policy directions and funding, are the pre-conditions for timely access to best practice by those who need it.

ACTA lacks the resources to provide a comprehensive review of EAL/D best practice in Australian schools. In what follows, we provide some selected and indicative examples.

(1) EAL/D resource allocation

The EAL/D Resource Allocation Mechanism (RAM) was introduced in 2015 as the NSW DET instrument for the annual allocation of EAL/D resources to NSW Government schools in line with the recommendations of the 2011 Gonski *Report of the Review of the Funding for*

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[207] Gibbons, P. (2003). Mediating language learning: Teacher interactions with ESL students in a content-based classroom. *TESOL Quarterly*, 37, 2, pp. 247-273.
Derewianka, B. (2014). Supporting students in the move from spoken to written language. In A. Mahbob & L. Barratt (eds.) Englishes in multilingual contexts. Netherlands: Springer, pp. 165-181.
Walqui, A. (2006). Scaffolding instruction for English language learners: A conceptual framework. *International Journal of Bilingual Education and Bilingualism*, 9, 2, pp. 159-180.
[208] Gibbons, P. (2002). *Scaffolding language, scaffolding learning: Teaching second language learners in the mainstream classroom*. Portsmouth, NH: Heinemann.
Hammond, J., & P. Gibbons (2005). Putting scaffolding to work: The contribution of scaffolding in articulating ESL education. *Prospect* 20, 1, pp. 6-30
Michell, M. & T. Sharpe, T. (2005). Collective instructional scaffolding in English as a second language classrooms. *Prospect*, 20, 1, pp. 31-58.
Wilson, K., & Devereux, L. (2014). Scaffolding theory: High challenge, high support in Academic Language and Learning (ALL) contexts. *Journal of Academic Language and Learning*, 8, 3, A91-A100.
[209] Gibbons, P. (2009). English learners, academic literacy, and thinking. *Learning in the Challenge Zone*. Portsmouth, England: Heinemann.
Martin-Beltran, M (2010). The two-way language bridge: co-constructing bilingual language learning opportunities. *The Modern Language Journal*, 94, 2, pp. 254-277.
[210] Davison, C. (2006). Collaboration between ESL and content teachers: How do we know when we are doing it right? *International Journal of Bilingual Education and Bilingualism*, 9, 4, pp. 454-475.
Dove, M., & Honigsfeld, A. (2010). ESL co-teaching and collaboration: Opportunities to develop teacher leadership and enhance student learning. *TESOL Journal*, 1, 1, pp. 3-22.
Martin-Beltran, M., & M.M. Peercy (2014). Collaboration to teach English language learners: Opportunities for shared teacher learning. *Teachers and Teaching*, 20, 6, pp. 721-737.

Schooling.[211] The RAM uses the ACARA *EAL/D Learning Progression* as the basis for identifying learners with English language needs (see 3.4.4 and Appendix A). The validity and reliability of the *EAL/D Learning Progression* was established through a State-wide trial conducted by the NSW DET in 2014.[212] The trial found that the *Progression* enabled teachers to make consistent judgements of English language proficiency across all four modes (Listening, Speaking, Reading, Writing), that it provides a balanced and accurate reflection of learner progress in English, and is a suitable basis for the allocation of ESL funding.

(2) On-arrival intensive English language tuition

The ***National Settlement Outcomes*** **Education & Training Standard 1** recognises intensive English language tuition as best practice. One Indicator of this Standard is "intensive English language support to facilitate learning".[213]

Early intensive tuition provides a crucial foundation for successful school learning outcomes of newly arrived students.

With its establishment from the original Refugee Contingency Program in 1983, the Commonwealth ESL New Arrivals Program placed short-term school-based responses to refugees on a permanent systemic footing. This enabled development of a preparatory support system that could provide 'best start' foundation learning for successive cohorts of newly arrived migrant and refugee children.

Since 1983, Australia has exemplified best practice provision for new school-aged arrivals. The Commonwealth New Arrivals Program enabled States and Territories to provide initial intensive English instruction in dedicated Intensive English Language primary and post-primary/secondary centres (generally referred to as Intensive English Centres/IECs) in strategic locations. Headed by teachers at deputy or principal level, and staffed with specialist EAL/D teachers and other specialist support, these centres provided orientation and curriculum-based intensive English programs together with "wrap around" counselling and welfare support, and built effective links and student transition support with their feeder schools. Within this structure, the special learning needs of refugees were also accommodated through differential staffing and/or provision of extended time at the centre before enrolment in the mainstream school. The centres became the locus and impetus for an explosion in materials development that integrated English language provision with school curriculum content (see (3) & (4) below).

Although Commonwealth ESL New Arrivals Program funding was incorporated in State Government general education funding in 2008, all States/Territories with the exception of Tasmania, maintained intensive English provision for new arrivals. ACTA's information on Intensive English Language Centres is shown in Table 7.

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[211] https://docs.education.gov.au/system/files/doc/other/review-of-funding-for-schooling-final-report-dec-2011.pdf

[212] Statistics Unit, Centre for Educational Statistics and Evaluation, NSW DEC. (2013). *NSW Trial of the reliability and validity of the EAL/D/D Learning Progression*, DEC: Sydney. at: http://www.dec.nsw.gov.au/documents/15060385/15385042/Report26Februaryfinal.pdf

[213] http://www.scoa.org.au/resources/SCOA%20National%20Settlement%20Services%20Outcomes%20Standards%202016_final.pdf p. 6.

Table 7: Intensive English Language Provision for New Arrivals by State/Territory

STATE/ TERRITORY	INTENSIVE ENGLISH CENTRE PROVISION
ACT	**Primary:** 5 **Secondary:** 2
NSW	**Primary:** Students enrol in local schools and receive new arrival support (but see section 3.4.5). **Secondary:** 13 (Sydney metropolitan) 1 (Wollongong) 1 Intensive English High School (i.e. students can complete their full schooling without having to transfer to another school).
Northern Territory	**Primary:** 3 Intensive English Units (Anula Primary School, Moil Primary School, Woodroofe Primary School in Palmerston) **Secondary:** 2 Intensive English Units (Darwin HS, Sanderson Middle School) No Intensive English Units outside Darwin area.
Queensland	**Primary:** nil **Secondary:** 1 Brisbane metro (Milpera Secondary HS; has principal & deputy principal) 1 Logan 1 North Brisbane (Dakabin) 1 Sunshine Coast (Nambour) 1 Cairns (?)
Tasmania	Nil
South Australia	**Primary:** 16 Intensive English Language Centres – metropolitan Adelaide 1 regional Centre (Mt Gambier) **Secondary:** 1 secondary New Arrivals Program school 1 senior secondary New Arrivals Program Centre (in adult re-entry College) 1 regional Centre (Mt Gambier).
Victoria	**Primary:** 4 Intensive English programs in regional primary schools **Dual** i.e. **Primary + Secondary (Foundation-10):** 4 dual/multi-campus English Language Schools in Melbourne metropolitan area offering programs to primary and secondary aged learners. These are schools in their own right. **Secondary:** 4 English Language Centres attached to mainstream schools **Remote:** For students in remote locations, a virtual EAL program started recently. Go to: http://www.education.vic.gov.au/school/teachers/teachingresources/diversity/eal/Pages/ealnewstudent.aspx
Western Australia	**Primary:** 8 Intensive English Centres **Secondary:** 3 Intensive English Centres **Post-compulsory:** 2 Intensive English Centres. All IECs have a Deputy Principal (DP) manager. With IPS changes some schools are now 'removing' the IEC DP or giving them a significant teaching load, hence impacting on the IEC program and operations.

As Table 7 shows, the main difference in provision across States and Territories is the availability of primary IECs. Tasmania appears to have no IECs at any level. However, as we described in section 3.4.5, the situation is changing in the wake of policies devolving decision-making to schools. Intensive English provision in at least one jurisdiction is already

being wound back. Elsewhere, the funding attaching to new arrivals is creating perverse incentives for schools to retain this funding rather than refer new arrivals to IECs. Reports are also coming to us of employment of teachers without TESOL qualifications and downgrading of senior positions.

We cannot therefore say that Australia has a *nationally consistent* intensive English provision for newly arriving refugees and migrants. Further, there is no surety that the quality of this provision will be maintained.

(3) EAL/D assessment frameworks

In the late 1980s, Australian governments and education authorities focussed efforts on assessment, framed in terms of educational "outcomes". In line with this trend, work began on mapping EAL/D learner progress and culminated in two national ESL assessment frameworks - the ***ESL Bandscales*** and ***ESL Scales*** developed in 1993-4. These documents inspired and informed a plethora of State-based assessment frameworks along with a number of State-funded projects described in Appendix A.

In 2011, in conjunction with work on the National Curriculum, and informed by earlier frameworks, ACARA developed the **ACARA *EAL/D Learning Progression*.**[214] The *Progression* provides broad descriptions four phases of English language learning: Beginning, Emerging, Developing and Consolidating. These are differentiated by three stages of schooling: Kindergarten-Year 2, Years 3-6, Years 7-10. More detailed descriptors are provided for each of the four language modes: listening, speaking, reading and writing. As we noted in section 3.4.4, the *Progression* is being considered as a national assessment framework.

A comprehensive resource is ***Tools to Enhance Assessment Literacy (TEAL) for Teachers of English as an Additional Language*.**[215] **TEAL** is an e-based toolkit designed to support pedagogically sound and useful assessment of ESL student progress and provide reliable data to inform teaching and learning, planning and resource allocation for primary and secondary schools. It was designed for use in Victoria but has potential for use in teacher education programs nationally and by other jurisdictions, both nationally and internationally. It consists of an item bank, a prototype teacher-directed assessment system, and an extensive web-based Resource Centre, including a teacher discussion forum. Further details are in Appendix A.

(4) Curriculum for EAL/D learners

Partly as a spin-off from the work on assessment, a range of curriculum frameworks and other resources have been developed in various States, for example:

[214] https://acaraweb.blob.core.windows.net/resources/EAL/D_D_Learning_Progression_Foundation_to_Year_10_09052014_file_2.pdf
[215] http://teal.global2.vic.edu.au/assessment-tools/common-writing-assessment-tasks/

- ACARA *English as an Additional Language or Dialect Teacher Resource*[216]
- the *Intensive English Centre (IEC) Curriculum Framework* (NSW)
- South Australian Certificate of Education (SACE) *English as an Additional Language* subject[217]
- *ESL Steps: ESL Curriculum Framework K-6* (NSW).

These resources are described more fully in Appendix B.

(5) Whole school approaches and advice

The EAL/D Handbook: Advice to schools on programs for supporting students learning English as an Additional Language[218] provides Victorian Government schools with advice for planning and implementing effective school programs for their EAL/D students, including operational aspects of the EAL/D program, whole school approaches to EAL/D programs, specialist EAL/D programs, other options, staff roles and professional learning.

The ***Refugee Readiness Audit*** was developed by the Victorian Foundation for Survivors of Torture, supported by the Victorian Department of Education and Early Childhood Development. The audit is a comprehensive checklist for schools to use in considering their readiness to accept and support refugee students (enrolment, student transition support, interpreting and translation, professional development); school curriculum and programs, school organisation and ethos (school structures, school and classroom environment). Its use is voluntary and not tied to any system recognition, requirement or resourcing.[219]

(6) EAL/D professional standards for teachers

ACTA's ***EAL/D Elaborations of the Australian Professional Standards for Teachers*** interpret what the AITSL *Australian Professional Standards for Teachers* means for teachers working with EAL/D learners.[220]

For further details, see Appendix C.

(7) Professional development for teachers

Among a vast array of short-term professional development courses in recent decades are the following:

- NSW EAL/D orientation course[221]
- South Australian *ESL in the Mainstream* teacher development course
- *Teaching Refugees in My Classroom* (TRIMC)

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[216] http://www.australiancurriculum.edu.au/studentdiversity/eal-d-teacher-resource
[217] https://www.sace.sa.edu.au/web/english-as-an-additional-language
https://www.sace.sa.edu.au/web/english-as-a-second-language
[218] http://www.education.vic.gov.au/Documents/school/teachers/teachingresources/diversity/eal/eslhandbook.pdf
[219] http://www.goodrunsolutions.com.au/resources/downloads/links/PDF_REFUGEES_Guide_to_school_rediness.pdf
See also School's in for Refugees: A Whole-School Approach To Supporting Students And Families Of Refugee Background, Updated 2nd Edition (2016) http://www.foundationhouse.org.au/schools-in-for-refugees/
[220] http://www.aitsl.edu.au/australian-professional-standards-for-teachers http://www.tesol.org.au/RESOURCES/Australian-Professional-Standards-for-Teachers
[221] https://education.nsw.gov.au/curriculum/multicultural-education/english-as-an-additional-language-or-dialect/eald-professional-learning

- ESL Pedagogy Action Inquiry projects
- *Leading the Development of an Effective Whole-school EAL/D* program[222]
- *Teaching ESL Students in Mainstream Classrooms: Language in Learning across the Curriculum.*[223]

The Australian Research Council funded two teacher development projects, the reports on which are valuable resources:

- Putting 'scaffolding' to work in ESL and literacy[224]
- Investigating challenging pedagogy for ESL students[225]

For further details, see Appendix C.

(8) School-community agency partnerships

Recognising that schools cannot meet the complex settlement needs of refugees alone, some education systems have facilitated school-community agency partnerships and school co-location of key services. Examples include:

- the Victorian Department of Education's **Primary School Nursing Program**, which conducts health assessments and referrals in primary and Intensive Language schools[226]
- Intensive English Centre **referral protocols** between the South Australian Department of Education and Child Development and the State Settlement Service provider
- school-based **Community Hubs** (see section 3.5.2 (i)).[227]

4.2.4 Conclusion and recommendations

EAL/D policies, programs and pedagogy in Australia over the last few decades have been identified as world's best practice and supported by a rich array of tools and resources for assessment and curriculum, resource allocation, program delivery and professional development. This review of evidence-based best practice for learners of English as an additional language has barely scratched the surface of what is available.

ACTA's concern is that this wealth of knowledge and practice is now becoming progressively less available to schools, teachers and the students they serve. As we described in section 3.4, this decline and failure to utilise best practice stems from:

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[222] https://education.arts.unsw.edu.au/events/EAL/D/
[223] http://www.unlockingtheworld.com/programs/teaching-esl-students-in-mainstream-classrooms
[224] http://www.ameprc.mq.edu.au/docs/prospect_journal/volume_20_no_1/20_1_1_Hammond.pdf
http://ro.ecu.edu.au/cgi/viewcontent.cgi?article=2287&context=ajte
http://search.informit.com.au/documentSummary;dn=760703405144643;res=IELAPA
https://neilwhitfield.wordpress.com/2006/12/07/scaffolding/
https://eric.ed.gov/?id=ED456447
[225] https://www.alea.edu.au/documents/item/551
[226] http://www.education.vic.gov.au/school/teachers/health/Pages/nurses.aspx
[227] A Canadian example of best practice in collaboration between schools and settlement services is the Settlement Workers in Schools (SWIS). Go to: http://swissask.ca/

- complacency and neglect regarding EAL/D learners at Commonwealth level
- State and Territory parochialism and undermining of the previous national program
- the unintended but destructive effects of devolving budgets and decision-making to schools and principals
- the sidelining of EAL/D provision in schools and disregard for essential aspects of quality provision, and
- the lack of a consistent nationally agreed approach to identifying learners who would benefit from the knowledge and resources we have just described.

ACTA believes that Education Services Australia, with its operating principle of leveraging existing national and State/Territory resources, and its remit to "create, publish, disseminate and market curriculum and assessment materials, ICT-based solutions, products and services to support learning, teaching, leadership and administration" would be the appropriate body to host national clearing house functions in EAL/D education.[228]

ACTA also believes that the standards we described in section 4.2.1 should be incorporated in the National Settlement Framework *National Outcomes Standards* in elaborating the Education and Training priority area for schools.

Our recommendations follow.

See next page

[228] http://www.esa.edu.au/about-us

6. ACTA recommends that the JSCM request the national **Senior Officials Settlement Outcomes Group (SOSOG)** to:

i. instigate, as a matter of urgency, a **national review of EAL/D provision in the school sector** with particular reference to
   a. **the impact of devolution policies** over the past five years on:
      - eligibility for and access to EAL/D provision by:
      - new arrivals
      - those in the first 5 years after arriving
      - those entering the first year of school from homes where English is not the main language used.
   b. **accountability** for use of Commonwealth funding to meet English language learning needs in schools
   c. numbers, promotion levels and types (permanent, part-time, short-term contract or casual) of **designated EAL/D positions** in schools
   d. **qualifications** of EAL/D teachers
   e. numbers, promotion levels and types (permanent, part-time, short-term contract or casual) of designated **EAL/D consultants** in State/Territory/regional offices
   f. **projections and planning** for EAL/D provision over the next 3-5 years.

ii. report to the JSCM on its response to this request within the next 12 months.

7. ACTA recommends that the JSCM endorse and encourage:

i. **completion of the *National Framework for Assessing English Language Proficiency*** as Australia's nationally consistent English language proficiency measure and as an integral part of the National Education Evidence Base

ii. incorporation of the nationally recognised English language proficiency measure into **national education data collections and reporting** where appropriate and feasible

iii. use of the *National Framework for Assessing English Language Proficiency* for **identifying and reporting on English language needs in schools**, that is, identifying the EAL/D student target group

iv. use of the *National Framework for Assessing English Language Proficiency* to inform **the allocation of Commonwealth targeted funding** for students with English language learning needs to State and Territory education systems during the 2018-2021 schools funding quadrennium.

8. ACTA recommends that the JSCM endorse:

v. **the standards** described in 4.2.1 of this submission as national best practice EAL/D standards for education systems, schools and classrooms

vi. **the adoption of these standards** as systemic outcomes and indicators for EAL/D education as part of the *National Outcomes Standards* for the education and training priority area of the *National Settlement Framework*

vii. the establishment, through the Education Council, of **a national digital space and clearing house** within Education Services Australia for the recognition, dissemination and further development of evidence based, best practice resources, tools and infrastructure in EAL/D education.

4.3 BEST PRACTICE – ADULT MIGRANTS

4.3.1 Basic principles

As outlined in section 2.2, ACTA endorses as best practice the 2016 *National Settlement Outcomes Statements* and the specific *Education and Training Standard* that specifies that "education and training pathways are available and accessible" and have an "evidence base of sustainable outcomes", integral to which are linkage with mainstream pathways.[229]

Specifically regarding humanitarian entrants, the 2017 CPD report argues in favour of "needs-based" provision:

> Moving to a 'needs-based' system for humanitarian entrants in terms of eligibility would ensure that no one falls through the cracks and humanitarian migrants are able to enter English proficiency [sic – classes?] at the appropriate point on their resettlement journey.[230]

Recommendation 11 of the ACIL Allen Report is along similar lines:

> The Australian Government should consider introducing a personalised AMEP entitlement based on need. Consideration may be given to the use of third party assessors to determine client entitlement, taking into account the benefits, costs and implementation issues of such a personalised entitlement.[231]

ACTA strongly supports the current legislated English entitlement for those with less than functional English (section 2.3). A needs-based system would indeed constitute best practice and could be realised through the AMEP and other programs as appropriate. We interpret the national *Education and Training Standard* to require the following.

1. **Needs-directed English language programs** for adult migrants in all visa categories that:
    i. **span English proficiency levels** from complete beginner to specialist courses for specific cohorts of advanced learners
    ii. include **settlement information for all new arrivals** with program length varied according to English proficiency levels (from, say, 2-4 weeks for advanced levels to much longer for those with greater English and related needs)
    iii. are **integrated with and/or lead on to pathways** that offer further English tuition, work placements, mainstream training, further education and employment, as appropriate to learners at different English levels and with different skills and aspirations
    iv. include **distance and online learning** across the above range of programs
    v. include **informal community-based programs** for particular groups who are not seeking immediate pathways into further training, education and employment, for example, the elderly and mothers/carers of young children and the disabled

[229] http://www.scoa.org.au/announcements/national-settlement-service-standards-project p. 6
[230] https://cpd.org.au/2017/02/settlingbetter/ p. 29
[231] https://docs.education.gov.au/system/files/doc/other/amep_evalution_report_-_for_public_release.pdf p. xv

vi. promote **interaction with the wider community** and assist newcomers to **access sporting, cultural and recreational opportunities**
vii. utilise **high quality resources for the teaching and assessment** of adult English learners in the Australian context.

2. **Effective, well-resourced counselling, referrals, pathways and close collaboration** and coordination between AMEP and SEE Program providers and –
   i. **other English language programs** within and beyond the providers' own institution/organisation
   ii. **Humanitarian Settlement Services** (henceforth HSS)
   iii. providers of **vocational training and mainstream education**
   iv. ***jobassist*** agencies
   v. services for **victims of trauma and torture**
   vi. providers of **Early Childhood Education and Care**.

3. **Stability and continuity in funding for quality providers** that is directed to enabling and encouraging:
   i. **flexibility** in responding to specific learner cohorts
   ii. long-term forward **planning**
   iii. **innovation**
   iv. building learner **pathways** in collaboration within and beyond the providers' own organisation
   v. the development of **evidence** regarding outcomes, and the capacity to build on this evidence.

4. High standards in **qualifications and regular professional development** for teachers and managers.

5. **Means-tested financial support** for migrants to promote access to programs, specifically for:
   i. Early Childhood Education and Care
   ii. travel allowances.

6. **Maps of local provision and pathways** that are well understood and easily accessed by advisors/counsellors, *jobsearch* agencies and migrants themselves.

4.3.2 To what extent does best practice currently exist in Australia?

(1) Programs, pathways and collaboration

Exemplary English language and related programs and courses for adult learners at all proficiency levels can be found across Australia.

As we said earlier (introduction to section 3.5), ACTA cannot offer a national overview of programs and pathways, although we are sure that, while contracts run, provision could be well mapped in some localities. As an example, we note that the services provided by Adult Migrant Services (AMES) Australia listed in their submission to this Inquiry (submission 25) would allow not only comprehensive mapping of provision and pathways in parts of

Melbourne and Victoria but also – in so far as requirements and restrictions in different contracts allow – includes an array of programs integrated into pathways for various cohorts of migrants.[232] The limitation is that this potential mapping, and existing provision and pathways – although exemplary – are specific to one organisation and change from contract to contract. ACTA would like to see provision and pathways mapped **across and between *different* organisations** in localities where various providers and mainstream institutions offer programs.

We also believe that greater stability in the awarding of contracts is absolutely essential. As detailed earlier, lack of stability has destroyed examples of best practice, including the one just cited (sections 3.5.5 and 3.6.4).

Our next section on best practice for refugee youth includes examples of programs that could (and, in some cases, do) extend more generally to English language provision for adult migrants (section 4.4.4).[233]

The AMEP includes provision for distance education for those with very low English proficiency but we are not aware of any other examples.

As an example of a settlement program for migrants with more advanced English than those eligible for the AMEP, we note AMES Australia's description of their Skilled Professional Migrants Program and the excellent outcomes it has achieved (Inquiry submission 25, p. 5).[234] We endorse their proposal for how this and similar options could be made more widely available on a cost recovery basis (p. 6). However, we envisage that our proposed 2-4 week settlement courses focussing on basic information, including job applications and interview preparation (section 4.3.1 (ii)), would be free for up to six months after arrival.

Regarding post-AMEP pathways and bridging programs, we suspect that the following response from one of our members who teaches in a TAFE College reflects a common situation:

> *When I first started, LLNP (now SEE) was merged with our TAFE-funded English program. We don't have specific bridging programs but we often work with individual students to try to find ways for them to continue developing their English language skills while starting a mainstream VET course. They might start the VET course part-time and we help them choose units from both courses that enable them to do both English and vocational training. We have occasionally tried to do something for a group, but I think the problem is with getting the numbers wanting to do the same program. Probably the closest to a bridging program would be our program which offers a very flexible program of classes delivering Foundation Skills and the CGEA [= **Certificate in General Education for Adults**]. If a student has high level oral English language skills, they might be enrolled in one or more of these classes to develop their literacy and/or numeracy or computer skills, etc. rather than an English class. These students will be working to an individual learning plan.*

[232] As noted in earlier (sections 353 and 355), as of 19th April 2017 AMES Australia has lost its AMEP contracts in metropolitan Melbourne, so this statement no longer applies.
[233] See also https://www.ames.net.au/files/file/Research/VOC%20Short%20Report%20Final_Feb%202017.pdf p. 2 and https://www.ames.net.au/files/file/Research/Transitions_SLPET%20Short%20Report_%20Final_Dec%202016.pdf
[234] We suppose this course is funded through a SEE Program contract and therefore will be retained by AMES Australia.

This kind of in-house counselling is extremely important but it would probably be more effective if there were an institutional commitment to creating bridging programs (see examples described in section 4.4.4).

In regard to informal community-based programs, ACTA believes that Community Hubs have considerable potential (see sections 3.5.2 (i) and 4.1.1).

The long-standing and world-class AMEP Home Tutor Scheme is invaluable in filling the particular needs of those who are house-bound and in encouraging those afraid to attempt more formal classes.

ACTA has no data on collaboration between the AMEP and SEE Program and other service providers such as HSS. At the time of the 2015 ACIL Allen Review of the AMEP and SEE Program, records were not kept of AMEP participants moving into the SEE Program.[235] This absence of communication bears out our earlier observations that the two programs are marked by discontinuities rather than collaboration (section 3.5.3). This problem is aggravated by the latest contracts for the two programs (section 3.5.5). We note the CPD report's scathing criticism of at least some *jobactive* agencies requiring people to attend interviews at the time of their AMEP classes (section 5.2).[236]

(2) Resources for Teaching and Assessment

An unsurpassed wealth of world class Australian-oriented resources for teachers has been created under the aegis of the AMEP, both nationally and at State-levels. From its inception in 1948 and the internationally-recognised textbooks *Teaching English in Australia* and accompanying radio programs, Australia has led the way in demonstrating, radically changing and creating norms for best practice. By the late 1980s and during the 1990s, the AMEP had become internationally acclaimed for its teaching materials, course structures, specialist tests and assessment item banks, professional development activities, conferences and other support, and practice-oriented research and publications.

In the mid-1990s, the Commonwealth withdrew from direct management of teaching English to adult migrants. Competitive contracting and commercial-in-confidence considerations have radically altered the AMEP's (and Australia's) contribution to this field, which was previously based on cross-institutional/provider collaboration. Materials development is now on a commercial basis or made possible through specific grant applications.

Resources developed by the now-defunct Immigration-funded AMEP Research Centre are freely accessible on-line.[237] These include fact sheets on a wide range of topics, a journal (now defunct), professional development resources (including on assessment) and reviews of other Australian materials.[238]

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[235] https://docseducationgovau/system/files/doc/other/see-amep_alignment_reportpdf pp 9-11, 17-18
[236] https://cpd.org.au/2017/02/settlingbetter/ p. 23
[237] http://www.ameprc.mq.edu.au/resources
[238] http://www.ameprc.mq.edu.au/resources/classroom_resources

An extensive range of free and commercially available materials have been and continue to be produced by major AMEP providers.[239]

Payment of fees for licences to teach the *Certificates in Spoken & Written English* and other accredited English language and literacy courses include access to resources for teaching and the item banks to support required assessments.

Similarly, workshops and resources to support the International Second Language Proficiency Rating Scale (ISLPR) are available at a cost.[240] Accreditation, which includes training, is required to administer the ISLPR.

In short, as far as ACTA can determine, there is no shortage of outstanding resources to support the teaching of English to adult migrants in Australia. The issue that concerns ACTA is the extent to which practising teachers may know of these materials, are skilled in using them, not deflected from using them by multiple assessment and reporting requirements (section 3.5.4), and have opportunities for continuing professional development. We turn now to the maintenance of these professional standards.

(3) Professional standards and professional development for teachers

ACTA's *EAL/D Elaborations* of the national Australian Professional Standards for Teachers (APST) were developed in collaboration with the Australian Institute for Teaching and School Leadership (AITSL), and can be found on our website.[241] These *Elaborations* are primarily directed to schools. We note the existence of the 2015 *Draft National Foundation Skills Professional Standards Framework*, which is directed towards teaching rather than program standards, and which is insufficiently specific in regard to teaching English as an additional language.[242]

ACTA sees no reason why standards for teachers of English to adult migrants should be lower than for any other teachers, as we have made clear earlier (section 3.5.2 (iii)).

ACTA regards minimum qualifications to be **a first degree** *plus*:

- a one year postgraduate TESOL qualification

  or
- a substantive TESOL major or minor as part of a Diploma in Education, Masters of Teaching or four year Education degree

  all of which should include
- supervised teaching practice in various EAL/D settings.

ACTA endorses the inclusion of units specifically concerned with teaching adults but we do *not* endorse any requirement for an Adult TESOL qualification. Rather, we are of the strong view that TESOL teacher education should allow for cross-fertilisation across adult and child sectors.

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[239] https://www.ames.net.au/ames-bookshop; https://ames.edu.au/publications/ ; http://tafeqld.edu.au/about-us/TELLS/resources/#.WNN-eW-GOpo ; http://www.els.sa.edu.au/products/elc-amep-products/
[240] http://islpr.org/
[241] http://www.aitsl.edu.au/
[242] http://www.statedevelopment.sa.gov.au/upload/NFSS/FSPSFramework.pdf

ACTA is concerned that opportunities for on-going professional development (henceforth PD) by practising teachers in the AMEP and SEE Programs have radically declined since the mid-1990s. PD opportunities were almost entirely terminated with the advent of competitive contracting. PD is unfunded and competing providers will not collaborate. The annual AMEP conference no longer exists. The RTF document for the AMEP includes a requirement to include a report on professional development for teachers (including cultural awareness training), which we understand to be minimal in most providers. One provider representative must also attend an annual workshop on using the prescribed assessment tool, reflecting the current Departmental focus on compliance (section 3.5.3 and 3.5.5).[243] The SEE Program contract only requires the latter.[244] Incidental PD can also occur when providers are audited by external verifiers. Some ACTA-affiliated State/Territory-based associations provide fee-based professional development activities for teachers on weekends, in the evenings and during term breaks. This level and amount of professional development is manifestly inadequate. Aside from anything else, it means that the wealth of resources previously developed and currently available are becoming progressively less utilised than they would otherwise be.

(4) More efficient and effective contracting

In ACTA's submission to the ACIL Allen Review, we recommended that whatever advantages might be thought to accrue from competitive contracting for the AMEP and SEE Program could be retained and enhanced by a system along the following lines:

1. Overall provider performance to be **assessed annually** by independent assessors (for example, through the current verification providers) on a **1-5 point ranking scale**, viz.:
   A. = outstanding performance
   B. = good performance
   C. = satisfactory performance
   D. = somewhat unsatisfactory performance
   E. = unsatisfactory performance.

2. These rankings to be determined in relation to **KPIs that are collaboratively devised** by the Department, providers and external experts.

3. Contracts to be renegotiated every 5-6 years. Providers who score C or below in any two consecutive years should be required to submit a complete tender that is judged competitively against other tenders from existing and potentially new providers. **Providers who consistently score A or B should not be required to compete for new contracts**.

   If it were felt necessary, new tenders could be called from all existing and potentially new providers every 10 years.

[243] Attachment B and C *AMEP Service Provider Instructions*, sections 7 and 10.7, pp. 42, 57.
[244] Attachment D and E SEE Service Provider Instructions, section 5.1.6, p. 10.

4.3.3 Conclusion and recommendations

There is no shortage of examples of excellent practice in English language provision for adult migrants. The problem, as one of our members wrote in response to a previous draft of this submission, is that provision is *"hit or miss"* and pathways exist *"to a greater or lesser degree, but mostly lesser"*.

Moving to quality needs-directed English language provision would require, first and foremost, policy-making that made such provision a priority in its own right and was in accord with the national Education and Training Standard cited earlier (section 4.3.1). Policy-making and provision would not be driven and disrupted, as it is now, by various and sometimes contrary policy priorities, ideologies, imperatives, administrative cultures, silos and churn – drivers that stem from domains with no interest in, understanding of, or care for what contributes to successful outcomes in migrants' English language learning (sections 3.5.3, 3.5.5 and 3.6.4).

Unlike the 2017 CPD report, on which we have relied in various parts of this submission, ACTA does not believe policy-making and administration of English language provision for adult migrants should be relocated to the Department of Human Services. Crucial to successful outcomes in this area are pathways into mainstream education and training. Despite our profound reservations about the commitments and imperatives governing previous and current incarnations of the Department of Education and Training, we believe that this Department is the correct administrative location for English for adults. However, along with the CPD report, we also believe that the emergence of consistent and coherent best practice in provision requires the creation of an entirely new "centre of gravity" within this Department whose brief would be to develop English language provision in line with the principles we articulated in this section.

The first step in bringing coherence to this area would be a mapping exercise. ACTA believes that this exercise should focus on revealing provision, pathways, needs and gaps in specific localities, such that maps could be accessed and utilised by policy-makers, advisors and migrants alike.

A second step would be an extensive, open consultation and review process directed to achieving greater coherence in needs-focussed English language provision for adult migrants, undertaken by an independent reviewer. In the light of findings from this review, the AMEP and SEE Program should be re-thought and better aligned. Proposals should be developed for streamlining pathways for various cohorts of learners into mainstream training, education and employment. At the same time, supports that enable migrants to access these programs should be examined and improved. New contracts should ensure that teachers meet professional standards that are accepted by the TESOL profession and place a renewed emphasis on regular professional development. The contracts should adopt a risk management approach that supports and encourages stability, long-term planning and collaboration within and between the providers and institutions delivering English language programs.

A further urgent requirement is to commission experts to work with relevant and experienced stakeholders towards resolving the complex issue of assessment and reporting in a way that is valid and reliable for English language learners but also facilitates pathways into mainstream training and education.

Our recommendations along these lines follow.

See next page

9. ACTA recommends that the JSCM:

i. support a truly comprehensive and consultative review of English language provision for adult migrants in the non-higher education sector in the first five years after arrival that:
   a. maps existing English language and related provision (e.g. bridging programs into mainstream training and education) in each Australian capital city and regional towns with migrant populations
   b. identifies gaps and blockages in pathways for English language learners with diverse literacy, educational backgrounds and proficiency levels
   c. identifies barriers that are preventing migrants from accessing English language programs
   d. aims to develop a cross-sectoral framework for genuinely flexible, collaborative, locally responsive English language services connected to staged pathways into further training, education and employment
   e. includes key stakeholders (adult migrants, teachers and provider managers); experts in TESOL (including ACTA representation), language assessment and public administration; and representatives of institutions providing pathways for migrants (notably TAFE)
   f. is conducted by an independent body over an extended period of time that allows for visits, face-to-face discussions and the circulation of a draft report.

ii. request the Senate Committee on Education & Employment review the **changes to the AMEP under the 2017-2020 contracts after the first year of operation** with particular reference to:
   a. **new cohorts** of clients attracted to the "social English" stream
   b. numbers of **clients in the "social English" stream**, class sizes and client retention rates and satisfaction surveys
   c. teacher **qualifications** in the AMEP
   d. teacher **salaries** in each AMEP provider compared to the last three contracts
   e. numbers of **permanent, short-term contract and casual teachers** in each AMEP provider compared to the last three contracts
   f. new teachers recruited in rural and remote areas
   g. the effect on **AMEP provision in metropolitan Melbourne** of the loss of their AMEP contract by a major provider
   h. the outcomes for SEE Program provision of awarding contracts to **a provider with no known expertise in English language teaching.**

iii. request the Department of Education & Employment to commission **a report by experts in second/other language testing and assessment** into assessment and reporting of English language outcomes in the AMEP and SEE Program

iv. affirm the importance of **regular professional development** for *all* those working in migrant settlement programs

v. support a **risk-based approach to contracting English language services** for adult migrants that uses a rating system against agreed KPIs and does not require high performing providers to submit tenders every 3-5 years

vi. request the Commonwealth auditor to investigate the effectiveness, efficiency and true value for money of the current form of competitive contracting for the AMEP and SEE Program.

4.4 BEST PRACTICE – ENGLISH AND RELATED PROVISION FOR REFUGEE YOUTH WITH SEVERELY DISRUPTED/MINIMAL/NO PREVIOUS SCHOOLING

4.4.1 Basic principles

Best practice for refugee youth with minimal/no previous schooling must be tailored to their very particular needs as learners *and* as adolescents.

As learners, they face a huge complex of challenges. They need to learn English, literacy, numeracy and the knowledge that comes with other school subjects. Their age-peers have developed these skills and knowledge gradually over their years in school, but these young people must acquire a huge amount virtually simultaneously. Moreover, their learning is *through* a new language, English. They must also make this language their main means of communication in the wider public domain. They must deal with the wider society's assumptions about what young people of their age should know and be able to do.

As adolescents, they must make the transition from childhood to adulthood. Like their fellow adolescents, they have the interests, high aspirations, psychological needs, and physical and emotional energies characteristic of this age. However, many must also move forward from situations and trauma that are beyond the comprehension of most of their age peers or even the adults around them.

The Refugee Council of Australia 2010 *Finding the Right Time and Place* report provides an exemplary list of the characteristics of provision for this group, namely:

> ***Flexibility*** – Young people being able to move in and out of different systems/programs; systems are 'young person-centred' and adaptable to meet individual needs. Recognition of young people's desire and need to work as well as study.
>
> ***Understanding*** – Teachers and systems have an understanding of the refugee experience, its impact on education and where young people are coming from; program workers are skilled and resourced to engage effectively with young people at risk.
>
> ***Pastoral care*** – Support structures are in place or linked to programs that recognise young people are often negotiating complex settlement issues alongside their pursuit of education/training (e.g. providing psychosocial support, torture and trauma services, counselling).
>
> ***Partnership*** – Education/training initiatives partnering with community organisations and other services to address employment and other settlement issues; Networking and collaboration across and between sectors.
>
> ***Strengths-based approaches*** – Identifying young people's strengths and building realistic pathways; providing extra-curricular activities such as sport and arts where young people can experience success.
>
> ***Supported transitions*** – Advisors or initiatives providing supported transitions from one education/training environment to the next (e.g. 'taster' programs, one-on-one support); Workers have the time and capacity to build trust.
>
> ***Literacy support*** – Recognition that acquisition of literacy takes time and needs to be supported within education and training pathways. This requires expertise and resources. Age- and education level-appropriate curriculum.
>
> ***Family-centred approaches*** – Ensuring there are childcare provisions for young women with caring responsibilities; working closely with young people's parents/families;

> targeted parent engagement strategies around education/training/employment pathways in Australia.
>
> ***Community involvement*** – Bilingual/bicultural workers (e.g. bilingual education aides, community liaison workers) play a key role; community involvement in program design, monitoring and implementation.
>
> ***Youth-specific*** – Where possible, programs bring together people of a similar age and learning level to enhance not only educational outcomes, but also social support (i.e. peer learning and personal development).
>
> ***Bridging*** – Recognising that many young people with limited literacy will struggle in mainstream education after they complete their time in IEC/AMEP, courses that create clear bridges into further education and training (e.g. combining language, literacy and vocational education and training).
>
> ***Mentoring*** – Credibility of information about realistic pathways can be enhanced when coming from mentors from similar backgrounds or from other young people.
>
> ***Re-engagement*** – Culturally-sensitive support programs to work with those who have disengaged or are at risk of disengaging.
>
> ***Stable funding*** – A secure, ongoing funding base enabling reflective and responsive practice; enables programs to implement flexibility and invest in long-term outcomes for young people.[245]

ACTA fully endorses these principles.

In the remainder of this section, we return briefly to the theme of advice from section 3.6.2, then elaborate on some necessary educational and pedagogical ingredients in provision, and finally list examples where best practice is exemplified. As we noted in the introduction to section 3.5, the AMEP contracts for 2017-2020 were announced on 19th April after we had finalised this section of ACTA's submission. Footnotes will indicate where the new contracts have impacted on these examples (see also section 3.6.4).

4.4.2 Improving advice on educational options

The four sources of advice to Humanitarian entrants that we listed in section 4.1.1 are equally vital in ensuring that these young people are adequately advised.[246]

ACTA does not have the resources to investigate to extent to which **those providing pre-embarkation advice and HSS workers** are well-informed regarding the options and problems we described in section 3.6.1.

Youth workers can be particularly effective in working with refugee youth, as mentors as well as sources of advice. As already noted, these workers need adequate training and to be properly briefed, including in the ethics of interpreting (section 3.6.2). Part of their training should entail support in building effective long-term relationships between community-based sources of advice and local education providers (schools, AMEP Centres and TAFEs). In response to a draft of this submission, one of our members wrote:

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[245] http://www.refugeecouncil.org.au/publications/finding-right-time-place/ p. 6

[246] These sources of advice are: immigration officials and others who give pre-embarkation advice; Humanitarian Settlement Services (HSS) workers; community-based advisors, relatives, elders, friends and sponsors; and migrant Resource Centre (MRC) workers, including youth workers.

> *The African community liaison officer in the secondary school system in Brisbane was an initiative introduced at least 10 years ago (?) to help with the social problems which we saw emerging with the Sudanese youth and the subsequent waves from Africa (Congo, Burundi etc). … They were all elders of the Sudanese community, male and well-educated, thus bridging the gap between the school and the home. They were also able to extend their interactions beyond the school as they were not teachers; thus, they could do home visits and follow up outside school, which the teachers couldn't do. I think that this was probably one of the most successful initiatives as it contained the problematic behaviour.*
>
> *My liaison officer also tells me that the elders of the Sudanese community strongly 'urged' the more problematic boys to leave Brisbane; he tells me this is why they ended up in Melbourne.*
>
> *These officers are still working in the migrant heavy schools; they do not just work with the Sudanese but also with the Congolese/Burundi/Eritrean/Ethiopian/Somali students; sometimes also with Arab boys as they can also speak Arabic. I don't know if this exists in other States but it certainly helped with dousing any potential troublemakers and played a very big part in bridging the gap between school and home – which is essential for successful participation in the Australian community.*

A major challenge is getting correct information, especially about locally available options, to communities, community elders and sponsors. Community Hubs appear to have excellent potential as informal bridges to local communities, as we described regarding Early Childhood Education (section 4.1.1). ACTA believes that, together with Migrant Resource Centres, these Hubs should be supported in developing resources that reach out to communities with locally appropriate advice. Migrant youth workers should engage with these Hubs.

Given the problems we outlined earlier regarding misunderstood advice (section 3.6.2), training for professionals in *all* areas who give advice on educational pathways (pre-embarkation, Humanitarian Settlement Services, Migrant Resource Centre workers, Community Hub organisers) must take account of the following:

- advice cannot be one-off but rather must be carefully staged and frequently repeated
- advice should not rely predominantly on written material but conveyed verbally, visually and, even better, dramatically through stories, plays and different media, especially the radio
- advice should include specific examples of pay-rates in different occupations and the pathways to these occupations.

4.4.3 Educational best practice

Maybe more than for any other group, provision for these young people must address their wider educational needs simultaneously and in a completely integrated way with English language learning. Bilingual support is extremely valuable, especially but not only in the early stages of learning. Because this group is so anxious to succeed, realistic information on pathways is also crucial content, matched by setting feasible short- and long-term goals and clear ways of marking progress towards them.

Table 8 below outlines these learning needs in greater detail.

Table 8: Addressing the English and related educational needs of refugee youth with severely disrupted/minimal/no previous formal schooling

EDUCATIONAL & RELATED NEEDS	AN INTEGRATED ENGLISH AND EDUCATIONAL PROGRAM MUST ADDRESS THE FOLLOWING:
1. Learning-how-to-learn	**Classroom routines**, e.g. bringing a pen to class, keeping worksheets in a folder, not losing books and folders, following instructions, sitting in a seat for an extended period. **Conceptual**, e.g. following a model and transferring it to other contexts; problem-solving and analytical thought in formal educational settings; identifying and discussing a proposition/idea.
2. English and literacy	Conversational English generally takes off quickly but will be deceptively superficial. Teaching must (1) **extend oral English** and (2) build on rapid learning of spoken English to **develop written English**. (See 2.3 Table 1 re BICS & CALP and section 2.4 Table 2).
3. School-based formal knowledge	English language learning must be closely tied to **foundational knowledge and skills** developed in the first 5-6 years of formal education in Australia, e.g. numeracy, STEM subjects, basic geography, history, social studies.
4. Subject matter & pace appropriate to adolescents	Unlike some of their age-peers, initially these young people are **extremely motivated to learn and are interested in everything**. Teaching techniques must be sensitive to **limited concentration spans, high interest and adolescent energy levels**. These characteristics make this group very different from older learners, including being able to progress much faster. **If frustrated**, motivation can turn to alienation, anger and antisocial behaviour that seek out alternative ways of using their energies and meeting their aspirations to succeed. This alienation is a high risk factor for antisocial behaviour, as we explore at length in sections 7.2.2 and 7.2.3. **Young men with high aspirations** (who are also trying to live up to family expectations in their home country) can be greatly frustrated by the need for a good grounding in English and basic school knowledge & skills.[247] This group's capacity to learn can be utilised by skilled teaching that: • stages content in small manageable chunks • includes constant recycling and opportunities for practice • maintains pace and variety • includes constant and clear acknowledgement of achievements.
5. Content specific to refugee youth settlement & life needs	As adolescents, this group is particularly vulnerable to making hasty, ill-informed decisions and acting in ways that can create serious problems. Content must target **settlement needs that are youth-specific**, e.g.: • everyday "survival" topics, e.g. shopping, housing, banking, consumer goods (e.g. mobile phones, cars) • budgeting and money management • accessing relevant support services • health, hygiene, well-being and safety, including driver education • cultural expectations and practices, including youth culture & appropriately gendered behaviours

[247] An example from one research report:

I think it's to do with torture and trauma, with what they've been through. So the psychological problems are massive for the males. I don't know why it's more for the men than for the women, whether they were involved in a lot more that was happening over there than the women, or whatever. But they're incapable of sitting and concentrating. So you have that immediate problem of learning: how do you teach people who can't sit down for longer than five minutes? ... They'll stand up after five minutes and then they'll sit down and their fingers will be tapping and they'll be moving. ... So you've got to overcome all of those issues, because the dropout rate is just massive with these boys, very few of them complete. It's a real issue, and it's really knowing what those boys want. They don't want what we're offering, I don't think. So how do we find that out? (Moore et al, p. 53)

	• sex education, and other sensitive topics, e.g. emotional and physical abuse • Australian law and expectations of behaviour in the public domain • the Australian education and training system, and pathway options • employment pathways & options.
6. Emotional support & mentoring	Like other adolescents, refugee youth generally have **an intense need to interact with peers**, and benefit from sharing problems with peers in and out of class. They also need productive relations with **adult mentors** and can often form intense attachments to teachers. They generally require and are more responsive to an interventionist approach to attendance and punctuality, and more explicit socialisation into appropriate behaviours. They react strongly against and can become very **alienated by racism** from peers or adults.
7. Settlement support	Refugee youth may have particular needs in dealing with: • **traumatic aftershock**, which is often supressed before arrival in Australia • worry and guilt about leaving loved ones behind, who may be ill, in danger and/or needing financial support (see section 6.1) • difficult family situations, e.g. living in a large extended family facing multiple problems • financial & emotional pressures attaching to family reunions • homelessness • living alone • basic living skills re health & hygiene, eating a balanced diet, budgeting (including over a fortnightly payment period), understanding & paying bills, managing mobile phones, resisting sales pressures to purchase consumer goods, keeping appointments • adult responsibilities, e.g. for younger siblings or parents who are struggling to manage • depression and sometimes mental illness (often described as feeling "sad", having headaches), which can be manifested by missing classes, staying home, long periods watching television and/or sleeping.
8. Out-of-class activities	**Physical exercise & opportunities to play sport**: aside from its obvious benefits, sport can play a major role in assisting these youth learn punctuality & team work.[248] Youth can be afraid to use public parks and recreation spaces because they do not know what the regulations allowed and are afraid of attracting criticism from the general public. **Mainstream sports clubs are generally inaccessible to refugee youth**, because of the cost of membership, uniforms and travel, and social and cultural issues, clubs being unprepared to make necessary cross-cultural adjustments. **Drama, art, music & special camps** are also extremely beneficial and can yield excellent outcomes in interaction with peers and authorities, e.g. the police.[249]

[248] On the importance of sporting opportunities, see, for example: http://dxdoiorg/101080/026143672014893006 (on Somali youth); https://wwwutseduau/sites/default/files/com-student-work-morganpdf https://www.uts.edu.au/sites/default/files/com-student-work-morgan.pdf

[249] For recent research on the value of students' participation in the arts, see: https://physorg/news/2013-09-involvement-arts-wide-ranging-benefits-younghtml. A large scale study showed that participation in drama, music, dance and visual arts dramatically improved academic and other outcomes in motivation, homework completion, class participation, enjoyment of school, and educational aspirations, while personal wellbeing measures considered such factors as self-esteem, life satisfaction, and a sense of meaning or purpose.

4.4.4 Best practice: some examples

Best practice for this group requires special provision that is purposively constructed to overcome the barriers inherent in the silos in the Australian education system that we described earlier (section 3.6.3). This provision entails classes that are educationally, linguistically, socially and emotionally specific to these youth and, further, that are progressively integrated with pathways into the mainstream. These programs, including bridging programs, should have a 3-4 year time span, whether located in the school or the adult sector.

Bridges into mainstream programs are integral to this provision. They should introduce learners to different educational and training options appropriate to their capabilities and aspirations, and support them as they gradually increase their participation in mainstream education and training. For example, modified or supported "taster" units based on mainstream training or school subjects can be introduced into the English language/basic education program. In some cases, work experience is possible and appropriate.

Where AMEP contracts are gained by TAFE Colleges, the infrastructure exists (at least in theory) to allow integration of the SPP/AMEP with bridging programs and pathways into mainstream training and further education, although, as we have said earlier, this potential is not always realised (section 3.6.2 and 3.6.3). Some providers outside TAFE Colleges also collaborate with TAFE providers along these lines (notably AMES Australia), although competition for AMEP contracts can impede this collaboration. In theory, schools could also collaborate with AMEP providers, for example, with an SPP to school pathway. However, we are not aware of any examples and it would seem that previous attempts have not been satisfactory.[250]

The following diagram exemplifies the kind of comprehensive and integrated approach for which ACTA is advocating. The model addresses the four elements of **active citizenship** that we commended earlier (section 2.2.3), viz.:

i. **participation** (financial literacy, work skills, exposure to Australian workplace, OH&S, information technology)
ii. **social participation** (positive relationships, sport; see also (3) below),
iii. **civic participation** (information & referral, positive relationships)
iv. **personal well-being** (life skills, driving, OH&S, information & referral).

This youth program has been developed in Melbourne by AMES Australia. Core funding comes from the SPP/AMEP. It is supplemented by additional grants gained by AMES Australia "to enable provision of a comprehensive program which addresses specific gaps in knowledge, skills and experience". [251]

[250] Moore et al, pp 51-54, 69-70
[251] https://wwwamesnetau/files/file/Research/AMES_YOUTH_ResearchReport_LR_FApdf p. 4.
As of 19th April 2017, this provider lost its Melbourne metropolitan AMEP contracts, so this provision terminates in June.

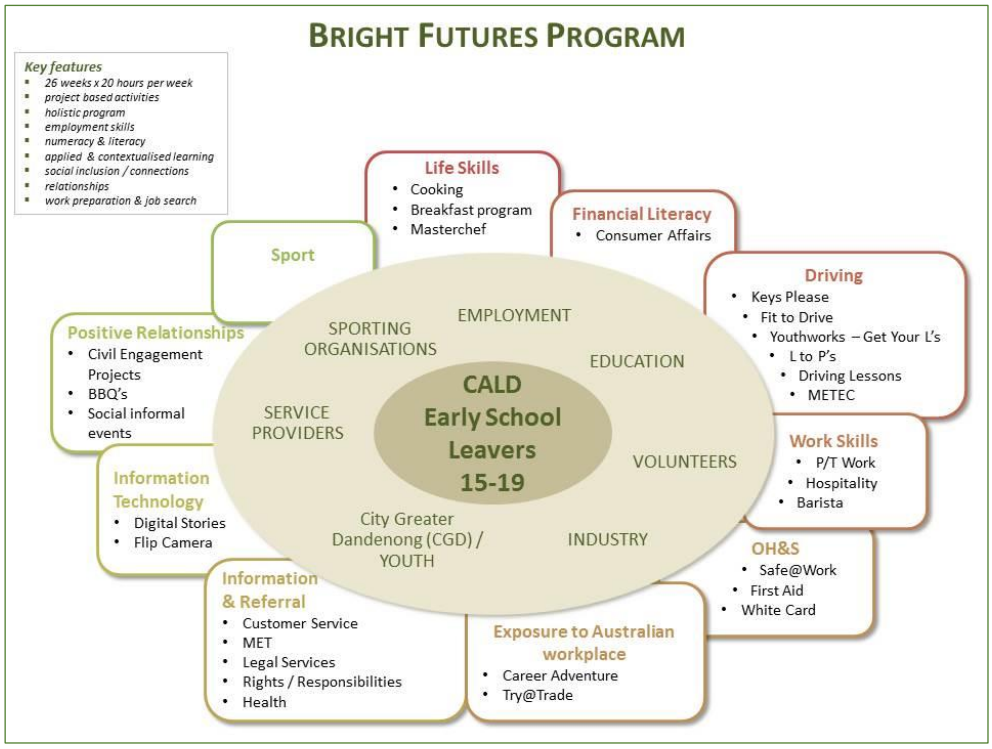

Figure 2: Example of an integrated approach to provision for refugee youth with minimal/no previous schooling

Based on information from our members and other documents, below are some examples of best practice in provision. This list is not exhaustive and the information we have from various documents and websites may not be up to date – we lack the resources to research this further. Our aim in documenting these examples is simply to show what is possible.

(1) Programs[252]

The Young Adult Migrant English Course (YAMEC) at Melbourne Polytechnic three levels. Level 1: includes the CSWE for SPP400/AMEP students, and focuses on ESL and literacy. Level 2: combines ESL and literacy with a general subject-based curriculum. Level 3: prepares students for entry to mainstream TAFE programs. The course also includes workshop visits and opportunities to take mini-courses that award basic VET Certificates, for example, in First Aid, Sanitation & Hygiene, and Occupational Health & Safety.[253]

As we understand it, the key to YAMEC's success (as with almost all other programs) is that it is *core* to the Institute's mission and is recurrently funded through the central budget. Recurrent funding gives the program credibility within the institution and allows collaborative experimentation with and development of links to other College programs/courses. In turn, this stability is the basis for attracting and holding skilled and dedicated staff.

[252] See also: http://wwwuwseduau/__data/assets/pdf_file/0011/830864/Case_Study_Reportpdf
[253] For further details: https://wwwmelbournepolytechniceduau/study-areas/english-language-skills/young-adult-migrant-education-courses-yamec/ ; Moore et al p 89.

AMES Australia offers a range of programs for refugee youth and pathways into training and employment in Melbourne.[254] The ability of AMES Australia to develop its extensive and impressive range of programs, including research into outcomes, rests on their retaining and building from AMEP contracts since competitive contracting for the AMEP began.

Both the Melbourne Polytechnic and AMES Australia programs are case studies in the outcomes and professionalism that can be achieved by continuity and relative stability. They exemplify the logic behind ACTA's proposal regarding the future management of competitive contracting (see in sections 3.5.5 and 4.3.2 (4)).[255]

The Victorian University of Technology offers a three year program in the Year 12 Victorian Certificate in Education, which prepares students for university entry.

Holyrod High School (Greystanes, Sydney) has developed an outstanding reputation for creating pathways within the school system for migrant and refugee youth, including those with minimal/no previous schooling.[256]Their Targeted Refugee Support program aims to support refugee and asylum seeker students in transition from intensive English programs into mainstream high school and to help them plan their transition from school to further education, training or employment. The program is for students in Years 7-11 who have had no or minimal schooling in their first language, have been assessed as being at risk of not completing their education in mainstream schooling and in an Australian school for less than three years, including time in an intensive English program. The program focuses on developing English language, literacy and numeracy skills; curriculum concepts and skills appropriate to year levels, including ICT skills; study and learning skills; an understanding of available educational and vocational pathways and making decisions regarding appropriate pathways; and an awareness of school and workplace cultures and expectations in the Australian context. Asylum seekers are also provided with targeted assistance and intense support.[257]

[254] https://wwwamesnetau/ames-courses?category_id=51&type_id=&site_id=&keyword=Enter+keyword; https://wwwamesnetau/files/file/EducationAndTraining/employment_pathways_diagrampdf ; for a detailed report on planning and provision for refugee youth, go to https://wwwamesnetau/documents/research-projects/preparing-for-the-next-step-a-proposal-to-invest-in-amep-youth-programs See above: this statement no longer applies because AMES Australia has lost its AMEP contracts in metropolitan Melbourne.

[255] This endorsement is not intended to imply that other institutions are inferior. It is simply based on what we know about these particular institutions.

[256] http://www.holroyd-h.schools.nsw.edu.au/curriculum-activities/refugee-transition-program

[257] See also Taylor, S & RK Sidhu (2009) Supporting refugee students in schools: what constitutes inclusive education? *International Journal of Inclusive Education*, 16, 1, pp 39-56 http://wwwtandfonlinecom/doi/abs/101080/13603110903560085

(2) Incorporating work experience

AMES Tasmania's "Crossover" and "Break the Cycle" courses integrate the Certificates in Spoken & Written English (CSWE) with work experience, including CSWE Level 1 classes.[258] Work sites have included a nursery, a childcare centre, a garden centre, a hospital and nursing homes. Students work on Tuesdays and Wednesdays, while AMEP classes on Mondays and Thursdays target these experiences. Employers reported high levels of satisfaction with trainees, which led to some being employed. Other students realised the need to pursue their English and education further. This program's success was reported to rest crucially on close collaboration between AMEP personnel, the Institute's work placement officers, a Job Network agency and the work placement site. Teamwork included finding suitable work experience sites, undertaking selection interviews with students, employer agreement to offer genuine entry-level training, site visits by AMEP teachers and all parties' willingness to negotiate when problems occur.[259]

(3) Out-of-class extension activities

Homework classes: the Australian Refugee Organisation (Adelaide) offers a range of programs for refugee youth, including a "Homework Club" in association with a number of partners, and is described on their website as:

> providing free support to young people in high school from refugee backgrounds with their education. With 8 locations across the metropolitan region, young people can receive assistance with their homework after school from 4:00-6:00pm. Our dedicated volunteers provide tutoring support and friendship to students as they aim to increase their literacy and numeracy skills and transition into formal education in Australia. … Our program is delivered in a community setting so that young people from all schools can access our clubs. Fresh fruit and after school snacks are provided along with computers, internet and printing access.[260]

Holiday programs: the same organisation offers activities during school holiday breaks that include indoor rock climbing, adventure courses, picnics, cooking classes, sport, Christmas and Easter parties.

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[258] Ebsworth, H (2007) *The world of work in the AMEP* Paper presented at the AMEP National Conference, "Work, Language and the Future," Queensland: Sunshine Coast Institute of TAFE, 4-6 October
Ebsworth, H (2006) *The AMEP in Tasmania: Developing pathways* Paper presented at the AMEP National Forum, "Learners from Africa," Hobart: Drysdale Institute, AMES Tasmania, 16-17 November
[259] Moore et al, p 88.
[260] http://www.australianrefugee.org/services/youth-services-2/; see also https://www.dss.gov.au/sites/default/files/documents/11_2013/8-homework-clubs-program.pdf. Partners include: The University of Adelaide, The University of South Australia, Salisbury Council, Twelve25 Salisbury Youth Centre, Playford Council, Charles Sturt Council, Port Adelaide Enfield Council, West Torrens Council.

Theatre: La Mama Theatre (Carlton, Victoria) and AMES Australia (Noble Park and Dandenong, Melb): since 2006, AMES has worked collaboratively with La Mama Theatre in several projects involving AMES Youth Program participants La Mama theatre directors work with AMES young people to produce innovative theatre productions based on young refugee and migrant experiences. The young people write, act, and assist in set design, lighting, advertising and front of house for each production. There have been nine productions developed so far, each culminating in a public performance at La Mama Theatre in Carlton and other venues. This project has been an outstanding success in building confidence, team building and a sense of social inclusion for the participants.[261]

AMES Australia youth students from Dandenong and Noble Park who created the drama 'Back to the Future' at La Mama Theatre in December 2015

Sport: The Centre for Multicultural Youth has developed sporting programs over the past 15 years.[262] **AMES Australia Centres at St Albans and Noble Park (Melbourne)** offer a course for 16-25 year olds in sport that teaches skills in Australian Rules football, cricket, lawn bowls, tennis, water safety and badminton After AFL workshops, AMES youth have opportunity of umpire training leading to part time work – see link in footnote to SBS program; also *Youtube* video on a recent netball gala facilitated by Netball Victoria in which 200 AMES youth participated.[263]

(4) Information, resources and support for youth, teachers, workplaces & the community

The Multicultural Youth Advocacy Network (MYAN) is the national peak body on multicultural youth issues, and is Australia's only national voice representing the needs and interests of young people from refugee and migrant backgrounds. They produce policy papers, data reports, resources and a regular eNews; design and deliver training and professional development; engage in research partnerships; host national multicultural youth events, facilitate access to MYAN networks across Australia. In 2016, training programs were offered around Australia.[264]

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[261] https://wwwamesnetau/files/file/Research/AMES_YOUTH_ResearchReport_LR_FApdf p 20. This provision will cease in June because AMES Australia has lost its AMEP contracts in metropolitan Melbourne.

[262] http://wwwcmynetau/sport

[263] https://wwwamesnetau/Courses/view/34 ; http://wwwsbscomau/news/article/2016/10/24/afl-training-new-generation-umpires-recent-migrants-and-refugees; https://wwwyoutubecom/watch?v=Vh020wTAA40.
This provision will cease in June because AMES Australia has lost its AMEP contracts in metropolitan Melbourne.

[264] http://www.myan.org.au/ See for example data on refugee youth arrivals 2014-15: http://www.myan.org.au/file/file/MYANHumanitarianYouthArrivalstoAustralia_2014-2015.pdf

Living in Between is a partner project between the Hobart College (TasTAFE) Students Against Racism, the Tasmanian Centre for Global Learning, and the Alcorso Foundation. The project has produced four annual reports and has been awarded three Tasmanian Human Rights Awards. The program is available as either multiple visits for schools or a one-off workshop for workplaces and events. It is funded by the Australian Government Department of Social Services through the Diversity and Social Cohesion Program.

Students against Racism started as a grassroots movement at TasTAFE. It is now a productive and effective education and advocacy group that has involved more than 220 young presenters and 10,000 participants. The Students Against Racism workshop is now been included in University and TasTAFE courses in Tasmania and has recently been piloted as part of the Tasmania Police Recruit Training course.

A Fairer World/ the Tasmanian Centre for Global Learning is an award-winning organisation that offers professional development and training for schools and workplaces, innovative education programs, learning resources, award-winning events, teaching ideas and mentoring, access to support networks.

The Alcorso Foundation is jointly funded by the Sidney Myer Fund, the Tasmanian Community Fund and Amnesty International.[265]

(5) Teaching Materials

The excellent *Get Wise* and *Stay Safe* courses for refugee youth, produced by the AMEP Research Centre (now defunct), are available on line.[266] They address some of the topics listed in Table 8 above. The Centre also produced a number of relevant Fact Sheets providing advice on teaching this group.[267]

4.4.5 Conclusion and recommendations

The challenges faced in providing for refugee youth with severely disrupted/minimal/no previous education may seem daunting for policy-makers, providers and the young people themselves. However, long-standing examples of highly successful programs exist. Knowledge is not lacking about what is needed, nor is there an absence of skilled educators who are committed to working with this group. The young people themselves are inspiring in their courage and determination. Their deep desire for "active citizenship" cannot be questioned. It is the frustration that follows when leaving these programs that deflects some from this positive path. We believe that the Inquiry would gain unique benefits from actually visiting some of these programs and engaging with those delivering them.

MYAN is auspiced by the Centre for Multicultural Youth in Victoria http://www.cmy.net.au/ and funded by the Department of Social Services.

[265] http://efs.tas.edu.au/tasmanian-students-against-racism/ ; https://www.alcorso.org.au/key-project/

[266] http://www.ameprc.mq.edu.au/resources/classroom_resources

[267] http://www.ameprc.mq.edu.au/resources/amep_fact_sheets

The reasons for inadequate provision rest with piecemeal approaches, lack of continuity, institutional inflexibility and absence of will, and failures to consult and engage with experienced and knowledgeable practitioners who have developed successful approaches.

ACTA hopes that this Inquiry can develop substantive recommendations to bring coherence and direction to this policy area. Our recommendations follow.

10. ACTA recommends that the JSCM:

i. **visit examples of best practice** in programs specifically designed for refugee youth with minimal/no previous education, and engage with those managing and teaching them as well as the students themselves

ii. investigate how improvements can be made in training and materials for **those advising refugee youth, their families and communities** (*notably:* pre-embarkation advisors, Humanitarian Settlement Services, Migrant Resource Centre workers, and Community Hub organisers) with **specific reference to these young people's best options for learning English and catching up on lost schooling**, including bridging programs into mainstream education and training in the school and AMEP/TAFE sectors

iii. develop high priority recommendations to:

   a. **map the nature, location and accessibility of existing specific purpose programs** for refugee youth aged 15 to 25 with highly disrupted/ minimal/ no previous education
   b. ensure **continuity of provision in existing high-quality programs** that assist this group to **transition successfully** from intensive English programs (in both IECs and the AMEP) into appropriate school and/or TAFE programs
   c. develop **further programs** for this group where gaps are found to exist
   d. ensure **continuity in provision for existing and new initiatives** that have been shown to be successful.

iv. investigate State/Territory Education departments' policies with a view to improving **access by 15-17 year old humanitarian entrants** with minimal/no previous schooling **to the SPP/AMEP** (including greater flexibility and reduced paperwork)

v. require the relevant authorities to collect comprehensive cross-sectoral data on the educational and employment pathways of humanitarian entrants aged 12-24 who have seven years' schooling or less for an eight year period following their entry to Australia.

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5. Term of Reference 3:
Importance of English language ability on migrant and prospective migrant outcomes

5.1 Systemic or life outcomes?

Earlier we recommended that the Inquiry note the 2011 Australian Survey Research Group (ASRG) distinction between **systemic outcomes** and **life outcomes** (section 2.2, Recommendation 3).[268] Systemic outcomes are those which *governments and their administrative agencies propose and use* to assess the success (or otherwise) of migrants' lives in the first five years after arriving in the host country, for example, gaining some proficiency in English and/or employment. Life outcomes are the factors identified by migrants themselves that correlate with and can be used to predict their *own assessment* of how "comfortable" they are living in Australia, when "comfort" is used as a "proxy" for successful settlement – that is, described with a word and using a concept accessible to migrants themselves. The study found that proficiency in English was *not* a factor that predicted people's own assessment of feeling comfortable living in Australia. (Nor was level of education.)

Given the robustness of the ASRG study's data base and the rigor of its statistical methodology, these findings cannot be dismissed, although other smaller scale and/or qualitative studies offer contrary findings at least in regard to English, for example Yates et al.'s longitudinal studies.[269] However, the other studies we have consulted simply *assume* that systemic outcomes feature in migrants' own views of successful settlement. These studies investigate migrants' views, experiences and achievements in regard to outcomes *proposed* in the research (e.g. re English and education) but, unlike the ASRG study, they do not attempt to investigate whether (and if so how) systemic outcomes are *advanced by migrants themselves* as contributing to their settlement outcomes.

Nevertheless, just as settlers' own perceptions of successful settlement should not be ignored, neither should (or can) systemic perspectives be dismissed. Factors such as proficiency in English determine how populations, groups and individuals are judged within and by the Australian "system". Services to assist settlers are organised, administered and accessed in accord with systemically defined domains, for example as in the *National Settlement Framework* and *National Settlement Outcomes Standards*. In regard to English in particular, it would be extremely difficult to find a single government report or other research project that does not assume gaining some ability/proficiency/competence in English to be a factor in successful settlement.

[268] https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf
[269] Yates, L. et al. (2015). Adult Migrant English Program (AMEP). Longitudinal Study 2011-2014: Final Report. Sydney: Macquarie University, Department of Linguistics.
Yates, L. et al. (2010) Language training and settlement outcomes. Are they related? Research Report. Sydney: AMEP Research Centre, Macquarie University, Department of Linguistics. http://www.ameprc.mq.edu.au/docs/LanguageTrainingSettlement_.pdf

If government/administrative perspectives on positive settlement outcomes are not the same as settlers' perspectives, it follows that the *achievement* of government/administrative settlement goals requires acknowledgement of settlers' views and addressing them. In the context of this Inquiry, for example, research could not be clearer that migrant-background youth alienation stems from their wholly legitimate and passionate desire for *connection* (sections 2.4, 3.6, 5.3, 7). This desire is intensified by these young people's experiences as refugees, including major family dislocations, which are exactly the same processes by which its fulfilment is jeopardised (section 7.2.2). When this desire is further frustrated by failure and racism at school and elsewhere, they seek connection with similarly alienated peers and/or criminal groups such as bikie gangs (section 7.2). Punitive responses simply confirm and intensify their alienation from "the system". The *only* way for governments to work towards positive settlement goals for this group is to address this desire for connectedness (section 7.3). The alternative is to abandon these goals and instead indulge in self-righteous justifications for defeatist and fruitless punitive measures.

ACTA submits that if this Inquiry is *genuinely* concerned to find ways to promote positive settlement goals for migrant-background youth, its recommendations will be directed to furthering the evidence-based good practice we detail in this submission (sections 4 and 7).

In the remaining discussion of the importance of English ability, we focus on adults and adolescents with minimal/no previous education. Earlier sections of this submission have, we hope, made clear the importance of achieving at least age-appropriate English proficiency by those entering school at *all* Year levels from the first year of schooling onwards.

After we had finalised this section, the Government announced its new citizenship requirements, which pre-empt the Inquiry's findings on the importance of English and cast a shadow over the above discussion, by which ACTA stands. We return to this matter below (section 5.4).

5.2 English and employment

The English needed to achieve a person's goals in shopping in a supermarket is quite different from that needed by a doctor to practise. The English a lawyer needs for success in an Australian courtroom is quite different to that used by vendors operating effectively in, for example, the famous Victoria markets in Melbourne or the Sydney Fish Market and the many successful local farmers' markets around Australia.

The question of the importance of English "ability" can only be answered with reference to the demands faced by *particular* groups or individuals aspiring to succeed in *particular* domains of Australian society.

In regard to adult English language learners, the evidence is that, among other factors, English proficiency affects a person's ability to gain employment comparable to his/her occupation prior to arriving in Australia. For those with low proficiency, it is particularly difficult. A study of those in employment six months after exiting the Settlement Language Pathways to Employment & Training program (SPLET) in the AMEP found that:

> Three hundred and forty-five people in this study had worked prior to migration. The main occupations they held prior to coming to Australia were as managers or professionals (48 per cent), clerical and administrative workers (15 per cent) and technicians and trade workers (11 per cent). In contrast, occupations for the 159 people who had found work since SPLET were labourers (37 per cent), sales workers (19 per cent), community and personal service workers (14 per cent) and clerical and administrative workers (14 per cent).[270]

It should be noted that eligibility for the above program (a little over six months' English tuition) rested on very little or no English (i.e. less than "functional English" – see section 3.5.1). This group found work through personal and social connections (42 per cent), internet and newspaper search (20 per cent), work experience or volunteering (16 per cent), *jobactive* support (3 per cent), cold calling/canvassing (5 per cent) and self-employment (4 per cent). Given their low English proficiency, it can be inferred that work found through personal connections, if not other work too, probably depended on using languages other than English more than English. It underlines our earlier point regarding the role of previous settlers in assisting newcomers towards positive settlement outcomes (section 2.2.2).

We note the particularly low employment results achieved by *jobactive*, also commented on in the 2017 Centre for Policy Development (CPD) report, as follows:

> While on-arrival integration and other social programs are bespoke for humanitarian entrants, employment support is delivered through *jobactive*, with stories of thousands of humanitarian migrants getting lost in the system. … Of particular concern are reports of humanitarian migrants being forced to choose between attending *jobactive* interviews and their classes in the Adult Migrant English Program.[271]

A parallel study to the SPLET research was of 290 migrants who had completed vocational training at Certificate III level in Individual Support (Ageing, Home and Community) and in Early Childhood Education and Care.[272] Teachers of these courses hold both the relevant industry and TESOL qualifications, which implies that the courses combined vocational content with extended and targeted English tuition. These courses are examples of the kinds of bridging programs we endorsed as best practice in section 4.4.4. They were delivered full-time for approximately six months and included at least 120 hours work placement. Entry to the course required "intermediate" English. 54 per cent of students had a university degree and 26 per cent had a trade or technical qualification. Predictably, the outcomes were superior to those exiting SPLET:

> Of the clients who were available to work, 67 per cent had found work in the first six months of completing their course: 33 per cent per unemployed and actively looking for work…. Across all age groups, the majority of clients were working…. The majority … were working part-time … 44 per cent [of whom] said they would like to work more hours.

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[270] https://www.ames.net.au/files/file/Research/Transitions_SLPETper cent20Shortper cent20Report_per cent20Final_Decper cent202016.pdf p.4
See also: https://www120.secure.griffith.edu.au/rch/file/e71d2280-1092-40ba-a2b4-42e31a179d6e/1/Hsieh_2016_01Thesis.pdf

[271] Centre for Policy Development (Feb. 2017) Settling Better: Reforming Refugee Employment and Settlement Services, pp. 33-34 https://cpd.org.au/2017/02/settlingbetter/ p. 23

[272] https://www.ames.net.au/files/file/Research/VOCper cent20Shortper cent20Reportper cent20Final_Febper cent202017.pdf. pp. 2-3. The visa stream was not given in the report.

The majority in this group were working in the area in which they had qualified (84 per cent Community and Personal Services; 89 per cent in ECEC).[273]

Clearly, proficiency in English makes a difference to employment outcomes. However, as this second vocational training study also makes clear, even those with relatively good English can be under-employed, at least in the short-term. On this point, and taking a systemic perspective, the CPD report offers the following calculation:

> If labour market outcomes for just one year's intake of humanitarian migrants improved by 25 per cent, then over the subsequent decade those new arrivals would be $465 million better off and the Australian Government would bank $175 million in budget savings.[274]

The CPD report is focussed on how this improvement might be achieved, and we commend it to the Inquiry.

These findings are complemented by the 2011 ARSG study, which found that, even after five years of settlement, "humanitarian entrants are less likely to be working compared with other [migration] streams" but "are far more likely to be studying full-time, studying and working or studying and looking after their families" (p. 28). The ARSG researchers observe that "this is not a surprising result as many Humanitarian entrants are strongly focussed on creating a new life, and studying for a qualification is an important step in this journey" (p. 28). Although migrants may not nominate proficiency in English as essential to their feelings of connectedness in this country, no evidence exists for any complacency about learning English, pursuing further study and gaining employment.

These findings must also be interpreted in the light of consistent reports that all migrants' English improve over time, and that English tuition plays a key role in this improvement. We elaborate further in section 6.5 below.

5.3 The importance of English for migrant-background youth

Research shows clearly that personal and systemic goals come together for migrant-background youth, who have much of their life ahead of them, in their desire for education. For example, the MYAN Refugee Youth Consultations report quotes one young person describing a lack of education as "creating all the problems there are in the world".[275] Major challenges to living in Australia are "lack of opportunity to engage in education and training" and "difficulty in negotiating pathways into employment" (pp. 14-16). However, a simultaneous frustration was "a failure to fully capture young people's knowledge and skills on arrival" (p. 14).

English is inextricably linked to these barriers:

> English language was a challenge for young people settling into Australia that is compounded for some by limited access to additional supports and advanced language courses that can support further education. Language is a challenge that also affects access to services, school performance

[273] 27per cent found work through their work placement; 19per cent through personal connections; 14per cent through a *jobsearch* website; 4per cent found work through *jobsearch*.
[274] Centre for Policy Development (Feb. 2017) Settling Better: Reforming Refugee Employment and Settlement Services, pp. 33-34 https://cpd.org.au/2017/02/settlingbetter/ p. 6
[275] http://www.myan.org.au/file/file/GRYCper cent20Report_NOV2016.pdf. p. 14

> and establishing relationships. One participant described it as "like watching a movie without the subtitles turned on". (p. 16)

Other challenges faced by these young people are closely linked to English, for example, knowing their legal obligations and rights in the workplace (pp.16, 18-20).

For school-age children, lack of English *on arrival* does not hinder high achievement, although the contributing factors identified by researchers vary and, in some cases, appear to conflict.[276] A study of entry scores to Australian universities (1995-1999) found that "recently arrived first-generation Australians, regardless of whether they are from ES [= English-speaking] or NES [= non-English-speaking] countries, perform better than children with Australian-born parents" but – very interestingly – that "the mark advantage dissipates with time spent in Australia for first-generation Australians from NES families". [277] An ACER-University of Sydney study of 113,767 15-16 year-old students from 17 OECD countries (including more than 12,000 Australians) found that "major factors affecting immigrant students' achievement were low socio-economic status, not speaking the 'local' language at home, poor reading proficiency, and recent arrival".[278]

Clearly, developing proficiency in English is key to children's achievement in the school system. A huge body of research is clear that such achievements are fostered through "additive" bilingualism that builds on children's other language(s).[279] However, if the child's other language(s) is/are stigmatised and their English learning is not supported, so-called "subtractive" bilingualism becomes a marker of disadvantage.[280]

These data are one of the reasons for arguing that, if funding to promote positive settlement outcomes is to be used effectively, those *learning* English should be identified through a nationally accepted EAL/D assessment framework, and must be disaggregated from the Language Background Other than English (LBOTE) cohort that includes those who have reached age-appropriate English norms (section 3.4.4). It also underlines ACTA's argument that EAL/D provision in schools should not be seen as remedial but as a proactive measure to promote these outcomes (sections 3.4.4 (3) and 3.4.5 (2, vi)).

Rather than lack of English affecting educational achievement, the reverse is the case: educational background is an indicator of how rapidly and well older children, adolescents and adults acquire a wide range of English, especially written Standard Australian English (see section 2.3). We pursue this point in relation to "settlement prospects" in section 6.

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[276] For a somewhat dated literature review of research on differential achievement by immigrant background school children, see pp. 27-32 http://crcw.princeton.edu/workingpapers/WP98-03-McCarthy.pdf. See also: https://theconversation.com/second-generation-immigrant-kids-have-an-edge-in-academics-39743 and http://releases.jhu.edu/2012/09/13/children-of-immigrants-are-coming-out-ahead-of-their-peers/

[277] http://www.business.uwa.edu.au/__data/assets/pdf_file/0007/260485/09_01_Le.pdf p.14

[278] https://phys.org/news/2013-02-immigrant-students.html

[279] For accessible summaries of these benefits, go to http://www.nytimes.com/2012/03/18/opinion/sunday/the-benefits-of-bilingualism.html or https://theconversation.com/speaking-in-tongues-the-many-benefits-of-bilingualism-49842

[280] http://www.dlenm.org/images/books/Book1/4.6-(12)_FINAL_Additiveper cent20andper cent20Subtractiveper cent20Bilingualism_2009-08-20[1].pdf ; https://www.bangor.ac.uk/bilingualism/besw/glossary.php.en ; http://esl.fis.edu/teachers/support/cummin.htm

Refugee youth with little/no previous education are just as motivated and ambitious, if not more so, than those who have not foregone any schooling. They are desperate to make up for what they have missed, as we have indicated throughout this submission (section 2.4, 3.6.1, 5.1). The report we cited earlier described their motivation to participate in Australian society as follows:

> All interviewees for this project, including the young people in our focus groups, said that the one thing they desire above all else is to fit in—not to be identified in terms of what they've been through but rather according to building their futures. They see education as a pathway to normality, intuitively recognising that "education is crucial for restoring social and emotional healing".[281] In the words of one teacher: *"They are just hungry, hungry to learn English and get whatever certificate they can, and just get on."* Another said: *"They feel 'I've wasted five years of my life. I've got to get on.'"*[282]

Describing these young people, another teacher said:

> *They're great kids, who are determined young people, very determined young people, so that will stand them in good stead. … They wouldn't have survived if they weren't determined.*[283]

If frustrated, this determination can quickly become alienation. The alienation process starts if/when they enter in age-appropriate mainstream classes where they cannot cope. Describing refugee youth in general, the MYAN Refugee Youth Consultations report stated that *"50 per cent of IEC (Intensive English Centre) students don't feel ready to go to high school due to lack of confidence"* (emphasis in the original; see sections 3.4.5, 3.6.1, 7.2.3).[284]

5.4 Postscript: English language requirements for citizenship

Findings by the Inquiry in regard to the importance of English have been effectively pre-empted by the Government's April 2017 *Citizenship Discussion Paper* (henceforth "the Paper"). The Paper proposes that:

> English is essential for economic participation and social cohesion, and there are certain standards that must be met, especially for those who are seeking to become a permanent resident or Australian citizen.
>
> There is strong public support to ensure aspiring citizens are fully able to participate in Australian life, by speaking English, our national language. Aspiring citizens are currently required to possess a level of 'basic' English to meet the requirements for citizenship….
>
> Aspiring citizens will be required to undertake separate upfront English language testing with an accredited provider and achieve a minimum level of 'competent'.[285]

This statement gives no legitimacy or credence to the notion of "contexts of reception" and the evidence-based distinction between systemic and life perspectives on successful settlement that we have used as a cornerstone in this submission (sections 2.2, 5.1). The

[281] McBrien, J. L. (2005). Educational needs and barriers for refugee students in the United States: A review of the literature. *Review of Educational Research*, Print (3), 329-364., p. 330.
[282] Moore, H., H. Nicholas & J. Deblaquiere (2008). 'Opening the Door': Provision for Refugee Youth with Minimal/No Schooling in the Adult Migrant English Program. Project 2.1: 'Modes of Delivery for SPP Youth'. Sydney, Macquarie University: AMEP Research Centre, p. 42. p. 6.
[283] Moore et al. p. 31.
[284] http://www.myan.org.au/file/file/GRYCper cent20Report_NOV2016.pdf. p. 16.
[285] https://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/citizenship-paper.pdf

Paper places the onus for successful settlement entirely on settlers, and fails to allocate any responsibility to anyone to provide the necessary English language tuition. As we have documented in this submission, a growing lack of access to this tuition is significant in all sectors (section 3).

No evidence has been offered anywhere to support the Paper's implication that "aspiring citizens" somehow lack the motivation to meet "certain standards" in "speaking English".[286] In fact, *no* such (credible) evidence exists, while all available evidence, and our members' reports, point in the opposite direction. The main visa classes admitted with low levels of English are those in the Humanitarian Program and Family Reunions. (The Skilled Migration Program already has a high English requirement.)[287] In the five years to 2010, the Australian Survey Research Group (ASRG) reported that 72 per cent of a sample of 5,378 Humanitarian entrants had studied or were studying English in the first five years after arriving;[288] 20 per cent of the remainder already spoke English well or could not study for reasons such as employment or caring for children or the sick and elderly); approximately 4 per cent did not answer the question.[289] There is no reason to suppose the proportions in 2017 are much different. It is unacceptable that barriers to citizenship should be created on the basis on unsubstantiated implications about people's lack of motivation.

In the accompanying transcript of the announcement of this new policy, the Minister specified that "the minimum level of '*competent*'" is Level 6 on the International English Language Testing System (IELTS) or equivalent.[290] Aspiring citizens are now required to pass at this level in speaking, listening, reading and writing. This level is higher than that required to obtain a student visa to study at university in Australia: IELTS Level 5.5 is required for direct entry; Level 5 if the person has enrolled in a 10 week English course, and Level 4.5 if he/she enrols in a 20 week course.[291]

IELTS 6 or equivalent is impossible, *by definition*, for anyone enrolled in the Adult Migrant English Program (AMEP) to meet, because eligibility for that program is restricted to those who are at the equivalent of IELTS Level 2 or lower (section 3.5.1).[292] In the number of tuition hours offered in the AMEP, it is impossible for anyone to reach the equivalent of IELTS Level 6 or anywhere near it.

According to the 2011 ASRG report just mentioned, approximately 65 per cent of humanitarian entrants and nearly 70 per cent of those in the family reunion stream enrol in

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[286] http://www.minister.border.gov.au/peterdutton/Pages/Strenghening-the-integrity-of-Australian-citizenship.aspx http://www.minister.border.gov.au/peterdutton/Pages/Joint-Press-Conference-with-the-PM,-Parliament-House.aspx
[287] https://docs.education.gov.au/system/files/doc/other/amep_evalution_report_-_for_public_release.pdf pp. 86-87.
[288] The ACIL Allen Report (see previous footnote) documents 80per cent, p. 28.
[289] https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf pp. 12-17.
[290] http://www.minister.border.gov.au/peterdutton/Pages/Strenghening-the-integrity-of-Australian-citizenship.aspx http://www.minister.border.gov.au/peterdutton/Pages/Joint-Press-Conference-with-the-PM,-Parliament-House.aspx http://www.border.gov.au/Trav/Stud/More/Student-Visa-English-Language-Requirements viewed 28/04/17
[291] http://www.border.gov.au/Trav/Visa-1/500-#tab-content-1
[292] http://gostudylink.net/en/support/ielts-levels
Baker, S. & R. Burke (25 April 2017). English language bar for citizenship likely to further disadvantage refugees *The Conversation* https://theconversation.com/english-language-bar-for-citizenship-likely-to-further-disadvantage-refugees-76520
Sherrell, H. (2017) English language testing and the exclusion of Australian citizenship. https://henrysherrell.wordpress.com/2017/04/24/english-language-testing-and-the-exclusion-of-australian-citizenship/

the AMEP.[293] Approximately 63 per cent of AMEP enrolments are women.[294] It follows that the vast majority of those admitted to Australia as refugees and dependent family members, of whom a significant proportion are women, will be excluded for many years, if not forever, from gaining the vote in this country.

The proposed English test is also discriminatory on economic grounds. English tests are to be administered by "an accredited provider".[295] No mention is made of the cost of sitting such tests in addition to the existing costs of applying for citizenship.[296] Currently, accredited providers charge non-refundable fees of $330 to $400 per test sitting.[297]

Given that citizenship for those under 17 is generally dependent on parents' citizenship, substantive barriers to tertiary education have now been created for young people whose parents are not citizens, since they must pay tertiary fees upfront and are ineligible for the Higher Education Loan Program.[298]

The Discussion Paper places the new citizenship requirements in the context of "the security of our nation". It is difficult to reconcile this aim with an English test that will legally disenfranchise the parents of many refugee youth and signal in multiple ways that they are outsiders.

In the press conference announcing the new policy, the Prime Minister stated that the English test "will ensure that many people who had not learned English or had not been encouraged to learn English will do so".[299] The operative word is *"ensure"*. The level of English specified by the Minister will *ensure* that a large section of the migrant community, especially women and those admitted through the humanitarian and family reunion streams, and those with minimal literacy, will be prevented or severely discouraged from seeking citizenship. As already documented in this submission, access to adequate English language tuition is far from "ensured."

The Discussion Paper states that there is "strong public support to ensure aspiring citizens are fully able to participate in Australian life, by speaking English, our national language". ACTA believes that, if the Australian public was aware of the details regarding the English requirement, most would see it as unfair, inequitable and potentially dangerous. We suggest that the general Australian public would not support excluding from citizenship large numbers of people who unreservedly aspire to contribute to this country but who cannot access the English tuition they need and/or have poor test-taking skills and/or are afraid to take this test and/or cannot afford to sit (and re-sit) the test. We further suggest that most

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[293] https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf p. 14.
[294] https://docs.education.gov.au/system/files/doc/other/amep_evalution_report_-_for_public_release.pdf p. 33.
[295] https://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/citizenship-paper.pdf p. 9.
[296] https://www.immigrationdirect.com.au/australian-citizenship/citizenship-application.jsp
[297] Each sitting of the IELTS or Pearson tests costs $330. Both these tests are designed to assess applicants for university study. The most appropriate general purpose assessment is the International Second Language Proficiency Rating scale (ISLPR). An hour tutorial and ISLPR assessment costs $400.
http://ielts.mq.edu.au/fees.html http://pearsonpte.com/test-takers/test-centres/
http://islpr.org/book-a-test/how-to-apply/
[298] http://askuon.custhelp.com/app/answers/detail/a_id/1780/~/im-an-australian-permanent-resident-or-new-zealand-citizen%2C-what-will-my
[299] http://www.minister.border.gov.au/peterdutton/Pages/Joint-Press-Conference-with-the-PM,-Parliament-House.aspx

Australians would not support excluding the majority of refugees (especially women) from seeking citizenship, having the right to vote, living here securely and contributing to society to the best of their ability. They would not support making the lives of migrant children born outside Australia fundamentally insecure, simply because their parents have failed or did not sit the test, or making it more difficult for them to access TAFE and University. ACTA's values abhor increasing disadvantage and disenfranchising adults and children on the basis of the language and literacy skills.

The International Language Testing Association's (ILTA) Code of Ethics Principle 4 states:

> Language testers shall not allow the misuse of their professional knowledge or skills, in so far as they are able.[300]

The annotation on this principle includes the following:

> Language testers shall not knowingly use their professional knowledge or skills to advance purposes inimical to their test takers' interests.

Principle 9 states:

> Language testers shall regularly consider the potential effects, both short and long term on all stakeholders of their projects, reserving the right to withhold their professional services on the grounds of conscience.

ACTA believes that developing or administering any English test for Australian citizenship violates these internationally agreed ethical principles. It discriminates against refugees, family reunion entrants, women, those with poor literacy skills, those who cannot afford the test fee, and the children of those who fail the test or do not sit it. We propose that ethical language testers and providers of English tests should refuse to have any part in this exercise.

5.5 Conclusion and recommendations

If we distinguish between what *individuals see as necessary for their comfort in Australia* and *what is important for success in the various domains by which Australian society is organised*, and we understand *English language ability* to refer to people's power or capacity to act in a given situation, there is no simple answer to the question "how important is English language ability to settlement outcomes?"

In a democratic society that values choice, initiative, drive and enterprise, and which thrives on the diverse abilities and aspirations of its members, the question "is English necessary/required/desirable?" makes no sense. Rather, the question "*what kind* of English is necessary/required/desirable *for what purposes*?" is key but is unanswerable in any simple way. As regards the Inquiry's third Term of Reference, and as the recently imposed English language requirement clearly exemplifies, it is impossible to specify what kind or level of English is universally important in a way that is sufficiently precise for government

[300] http://www.iltaonline.com/page/CodeofEthics

authorities to operationalise fairly or accurately, not least in selecting migrants who are likely to make successful lives in this country.[301]

From the perspective of some migrants, English language ability is *not* a significant factor in their sense of belonging to and well-being in this country. These perspectives should be respected and accommodated, for example in facilitating people's access to basic services and recreational activities, gaining citizenship and the right to vote, upholding their human rights, and in advice from authorities on use of languages other than English in the home. Australia's linguistic diversity is an asset that should be maintained, fostered and celebrated. In community and personal contexts, the vibrant use of languages other than English is key to maintaining this diversity, as well as intergenerational cohesion and unique, highly productive links with other countries.

Clearly, ability in English is important for those seeking employment commensurate with their qualifications and previous experience. Likewise, gaining high proficiency in English is crucial for children and adolescents, including refugee youth, entering the school system. For those with minimal or no previous education, English is the gateway to the schooling they so fervently desire. If this desire is not built on and channelled into productive learning, it becomes a major stimulus to alienation and seeking connections through other avenues (section 7).

It follows that English language programs for children, adolescents and adults comprise a cornerstone in ensuring successive settlement outcomes. The problems we described in section 3 of this submission therefore require the Inquiry's investigation and concern. The importance of English programs is underlined by the fact that, although gaining proficiency in English is not predictive of migrants' assessment of their comfort in living in Australia, attending classes does contribute to feeling *connected* and their sense of comfort – the respondents in the ARSG study reported that "classes offered opportunities to make friends and learn about living in Australia".[302]

The importance of English language "ability" can only be answered with reference to the demands of particular domains. ACTA supports English language testing and assessment that is directed to particular purposes. For example, we have argued strongly for a nationally agreed and consistent measure of English language learners' proficiency in schools (section 3.4). We also strongly support high quality specific-purpose English testing for entry to particular professions and courses study.

This support for high quality English language testing for clearly defined purposes is coupled with ACTA's complete opposition to the use of language tests to target or exclude groups or populations from society in generalised, unspecific ways. We therefore oppose the use of *any* kind of English test to determine Australian citizenship.

[301] The incorrect use of the preposition "on" (instead of "for") in this third Term of Reference illustrates this point perfectly. This mistake would cost a mark in some English tests, for example, the TOEFL or IELTS. Clearly, this mistake is inconsequential for the officials who framed the wording of this Inquiry.

[302] https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf, p. 66.

The intelligence, ability, skills, knowledge, determination, resilience and drive that characterise newly arriving adults and adolescents to Australia are precisely the qualities our country should welcome. The key to a successful settlement program is to foster these great qualities, not frustrate them.

Our recommendations follow.

11. ACTA recommends that the JSCM develop its recommendations on the importance of English:

i. in the context of acknowledging the importance of **maintaining and fostering linguistic diversity and fluent bilingualism** in Australia

ii. with a view to increasing migrant background adolescents' and adults' **access to English language programs** that:

a. span *a range of proficiency levels*, including higher levels

b. facilitate *smooth transitions* from intensive to post-intensive English tuition

c. include *bridging programs* and pathways into training, education and employment.

12. ACTA recommends that JSCM **reject the inclusion of an English language test** as part of the application for Australian citizenship on the grounds that it:

i. is **profoundly undemocratic** in:

a. depriving many women, children born overseas, those with low levels of education and literacy, and those who cannot afford to pay to sit and re-sit the tests **from gaining the vote and otherwise participating in Australian democratic processes**, and will undermine their sense of security and belonging in this country

b. targeting approximately **80 per cent of those admitted in the Humanitarian and Family Reunion streams**

ii. **threatens social cohesion** in this country by creating a large pool of disenfranchised and insecure adults, adolescents and children living in Australia with fewer rights and entitlements than the rest of the community.

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6. Term of Reference 4:

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

6.1 Current Assessment Processes

Prospective migrants to Australia are assessed according to criteria that apply in different migration "streams".

The **Skilled Migration** stream is for people with skills specified in the "Skilled Occupations List" and determined, we understand, by labour market shortages. These applicants are assessed according to a "points test" on the basis of skills, age, English language ability, occupation, Australian work experience and Australian qualifications, health and "character".

ACTA endorses this general approach to this migration stream. We suspect it will always be open to improvement in regard to the accuracy of labour market assessments, and transparency and objectivity in both these criteria and their application.

According to the Department of Immigration and Border Protection website, **Refugee and Humanitarian visas** are granted to "people who are experiencing persecution in their home country, who are typically outside that country and in need of resettlement" and "people who are subject to substantial discrimination amounting to gross violation of their human rights in their home country".[303] In other words, ***"need"*** (in relation to persecution and human rights violations) is the determining factor in assessing applications.

ACTA strongly supports ***need*** as the sole basis for selecting Humanitarian entrants and fully endorses the following statement in the 2017 Centre for Policy Development report:

> At its core, refugee resettlement is about assisting people in difficult and often desperate circumstances from all around the world to rebuild dignified lives in Australia. Their ethnic or religious background, whether they can speak English or not, the skills they may or have [sic] do not play any role in whether they are selected for resettlement. The humanitarian program was not to set up to cherry-pick what is best for Australia. ***This is a critical policy norm for humanitarian policy that governments and policy makers must respect***. (our emphasis)[304]

The Family Reunion stream admits partners, spouses, parents and children of migrants under various conditions and according to various "caps" and priorities.[305] According to Fozdar & Hartley, these caps include reducing the number of Family Reunion visas by the number of Humanitarian visas granted to those seeking asylum onshore.[306]

ACTA is acutely concerned at the way in which the Family stream is currently administered with prolonged delays and refusals for applicants in this stream. Unstable family situations, including an absent father, are major risk factors underpinning youth criminal behaviour, as

[303] https://www.border.gov.au/Trav/Refu/Offs/Refugee-and-Humanitarian-visas
[304] https://cpd.org.au/2017/02/settlingbetter p. 16.
[305] https://www.border.gov.au/Trav/Brin/Fami.
[306] Fozdar, F., & Hartley, L. (2013). Refugee resettlement in Australia: What we know and need to know. *Refugee Survey Quarterly*, 32, 3, 23-51. p. 50.

we elaborate in section 7. Conversely, a secure stable family is a protective factor.[307] Protracted separation from parents and/or siblings is *directly responsible* for undermining positive settlement outcomes for refugee youth, diverting them from everything that assists them to settle well. As the MYAN Youth Consultations report points out:

> Separation from family can add significantly to the challenges of settlement with negative impacts on health and wellbeing, and motivation to build connections and skills to support participation, including engagement in education, training and employment.[308]

The November 2016 report of the Refugee Council of Australia documents the considerable economic and social costs of family separation for both individuals and the wider community, for example, from young people involved in "instances of self-harm and suicidal ideation".[309] The anguish must be indescribable, for example, when a young woman learns that her brother in Iraq has been kidnapped and murdered having twice been refused a visa to Australia (p. 2).

ACTA believes a strong commitment to global citizenship (in this and other respects) should be a source of pride to Australians and a defining feature of our national character. The Humanitarian program is crucial Australia to meeting these obligations. Visas for Family Reunions should support this Program in achieving, rather than subverting, good systemic and personal settlement outcomes.

In short, ACTA opposes the use of any other criteria that would undermine or lessen a person's claims as a Humanitarian entrant on the basis of need. Promoting family reunions for refugees should be considered an integral of part of this program.

6.2 The character test

The Inquiry is directed to consider "the adequacy of the Migration Act 1958 character test provisions as a means to address issues arising from" migrant-background youth anti-social behaviour. The accompanying press release goes further and suggests that this test could address "issues arising from social marginalisation and disengagement".[310]

Although the legalities attaching to this Term of Reference are beyond ACTA's expertise, our response here stems from our basic commitments to upholding human rights and democratic principles, including strict limits on personal discretion in the application of the law.

The Commonwealth Ombudsman submitted his report on the administration of the character test to the Parliament in December 2016.[311] Although this report does not directly consider how the character test might address "youth migrant antisocial behaviour", the implications of its findings and recommendations are relevant.

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[307] Santoro, N. & J. Wilkinson (2016). Sudanese young people building capital in rural Australia: the role of mothers and community. *Ethnography and Education* 11, 1, pp. 107-120. http://www.tandfonline.com/doi/abs/10.1080/17457823.2015.1073114?journalCode=reae20

[308] http://www.myan.org.au/file/file/GRYCper cent20Report_NOV2016.pdf. p. 21.

[309] http://www.refugeecouncil.org.au/publications/reports/family-separation/ p.2.

[310] http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Migration/settlementoutcomes/Media_Releases

[311] http://www.ombudsman.gov.au/__data/assets/pdf_file/0027/42597/Own-motion-report-into-the-Administration-of-Section-of-the-Migration-Act-1958-final.pdf

This report describes the relevant part of the character test as follows:

> 2.3 Section 501(3A) requires that the minister must cancel, without notice, a visa if the minister is satisfied that the person does not pass the character test because of a death sentence, life sentence, a substantial criminal record, a sexually based offence involving a child or if the person is serving a sentence of imprisonment, on a full-time basis in a custodial institution, for an offence against a law of the Commonwealth, a state or a territory. The section also specifies that the rules of natural justice do not apply to these decisions.
> 2.4 The amendments to the Act also inserted additional grounds on which a person will not pass the character test. The character test was strengthened to provide that a person will not pass the character test if there is a risk (as opposed to a significant risk previously) that the person would engage in serious criminal conduct and where they have been sentenced to two or more terms of imprisonment where the total of those terms is 12 months or more (rather than 24 months or more in the previous legislation).
> 2.5 Other amendments include a new personal ministerial cancellation power. This allows the minister to cancel without notice, or to set aside a non-adverse decision, where it is in the public interest to do so. The amendments also provide that any decision made personally by the minister will not be merits reviewable. A person may, however, appeal to the minister to revoke the decision to cancel a visa.
> 2.6 We also note that s 501L of the Act allows the department to obtain personal information from a state or territory about a person, or person(s) within a class of persons relevant to whether or not they pass the character test.

The report documents an extraordinary increase in visa cancellations over the past ten years. Prior to 2014-15, the highest number of visa cancellations was 157 (in 2011-12). In 2014-15, it rose to 580 and in 2015-16, it rose again to 983 (p. 6). The largest number of these was for New Zealanders (697), followed by the UK (124) and Sudan (30). The types of offences for which visas were cancelled (Table 3, p. 7) were "other violent offence", "assault", "theft, robbery, break and enter", that is, the types of crimes attributed to the migrant-background youth in question (section 7.2.1).[312] **This evidence indicates that the current provisions in the character test are already more than sufficient to address the anti-social behaviour that concerns this Inquiry.**

Legislation was passed in February revoking the citizenship of a person on the grounds of being involved in acts of terrorism. We assume this Inquiry is not considering the possibility of revoking the citizenship of migrant-background youth involved in the kinds of antisocial behaviour to which the Inquiry refers. We would be thoroughly opposed to any such strengthening of failure to meet the character test.

We note that 75 per cent of decisions as at 27 April 2016 were made by the Minister (Table on p. 11). ACTA's strong view is that the personal ministerial cancellation power is draconian, anti-democratic and open to abuse.

The Ombudsman's report identifies a number of problems in how the character test is actually administered. In particular regarding our concern just expressed for family separations, we note the finding that the department has failed to meet its own goal of timely notification of visas cancellations especially where families are involved:

[312] http://www.abc.net.au/news/2016-12-04/statistics-raise-questions-about-calls-to-deport-youth-offenders/8087410

> Through prolonging family separation, this failure has also undermined the other aim of the department to give primary consideration to the best interests of the minor children of persons subject to visa cancellation. (p. 1)

We are frankly horrified by a case study cited in this report of someone who came to Australia aged 14, was convicted of a number of serious offences as an adolescent, had custody of his two children aged 13 and 9 before being imprisoned for driving offences and attempted theft, had his visa cancelled and was sent to Villawood and then Christmas Island. He claimed his wife was an ice addict and, when high, was given access to the children by her mother who now had custody. In the transfer to Christmas Island, all his family law documents were lost. He was placed in a secure room to participate in a court hearing by teleconference but no one answered the teleconference call and he was deemed to have missed the hearing (p. 13).

The effects of the bureaucratic disregard for this man's children and his right to a fair hearing by a court, and the massive disruptions to these children's lives, will do nothing to promote these young people's prospects as productive Australian citizens.

6.3 Do baseline data exist to support assessments of settlement prospects?

If government authorities decided to develop predictors of "a prospective migrant's settlement prospects", the data to support such predictors in any complete, accurate, reliable, or consistent way do not appear to be available.

According to the 2011 Australian Survey Research Group (ASRG) study, the records held by then-Department of Immigration and Citizenship were incomplete, inconsistently coded, incorrect in parts, not consistently updated, contained duplicated and repeated information, and lacked a master dictionary of terms that could be used for coding.[313] The causes, in part, were attributable to inadequate resources, a lack of corporate knowledge in the maintenance, administration and management of the data system, and unresponsiveness to notified corrections.[314]

The ACIL Allen Review of the Adult Migrant English Program and the Skills for Education and Employment Program noted that records were not kept of AMEP participants moving into the SEE Program.[315] Given that the SEE Program is a major pathway from the AMEP, keeping these records would seem to be a priority.

As far as we can determine, the only publicly available data on migrant-background youth in contact with the justice system comes from Victoria and is confined to country of origin (section 7.1).[316] No data is available on the following:

[313] Cf. how the AMEP 510 hours was determined: section 2.3, Table 1.
[314] https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf pp. 70, 71.
[315] https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf pp. 9-11, 17-18.
[316] http://www.abc.net.au/news/2016-12-04/statistics-raise-questions-about-calls-to-deport-youth-offenders/8087410

- family situation
- length of time in Australia
- level of education on arrival
- educational history in Australia
- current level of education.

Without these data, we have no accurate information about the potentially relevant characteristics of so-called "migrant youth" offenders. More generally, as we have pointed out, data collection on EAL/D learners in schools is manifestly inadequate (sections 2.3 and 3.4.4).

The Joint Standing Committee on Migration's previous Inquiry into Multiculturalism recommended:

> increased collection by the Australian Government, of accurate and up-to-date disaggregated data in order to identify trends in migration and multiculturalism, and to measure and address CALD related disadvantage.[317]

We assume the Committee will investigate progress on this recommendation.

6.4 Assessing a migrant's "settlement prospects"?

Even if credible data existed, ACTA's answer to the question of whether current migration processes adequately assess a prospective migrant's settlement prospects is unequivocal: ***no*** **existing or imagined administrative process or system is or would be capable of accurately assessing a prospective migrant's settlement "prospects". Nor should one be attempted.**

We find the assumptions in the wording of this fourth Term of Reference dangerously authoritarian and contrary to Australian democratic values. If unintended, they are even more dangerous. The question contains the extraordinary assumption that administrative systems, tests and procedures exist or could be devised to predict an individual migrant's "prospects". It further presupposes such administrative tools could be developed and used by migration authorities without error or injustice.

In contrast to this administrative fantasy, the situations we have described earlier convey actual reality: misleading advice to Parliament, bureaucratic imperatives and boundary maintenance, violations of basic human rights and inability to develop accurate data systems (sections 3.5.2, 3.5.3, 6.2 and 6.3). This reality is a far cry from the infallible powers and virtuous intentions ascribed in this Term of Reference to both those who might devise such assessment procedures and those who would implement them. Although efforts may and should be made to deal with administrative failure, the reality is also that some kind of failure is always inevitable. This inevitability should be acknowledged and guarded against, not encouraged, as seems to be supposed in this fourth Term of Reference.

[317] http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=mig/multiculturalism/report.htm Recommendation 14

The 2011 ASRG study developed a predictive mode of positive settlement outcomes, which we described in section 2.2.2. The researchers claim it is the only Australian or international "large scale national, quantitative study" that had been attempted at that time.[318] The predictive factors they identified are:

i. How happy a person feels about him/her self
ii. Confidence about making choices about living in Australia
iii. Being treated well by the local community since coming to Australia
iv. Ease of finding a place to live in Australia. (p. 1)

Three of these factors follow from a migrant's *post*-arrival experiences and therefore could not be applied to prospective migrants. (Of course, it could be proposed that, on completion their settlement period, people be deported for failure to meet these criteria. We hope such a proposal is considered unimaginable.)

The first factor was found not to alter in the five year settlement phase, so could theoretically be used in assessing prospective migrants. However, we submit that:

- any attempt to test a prospective migrant's "level of happiness about him/herself" would be a gross invasion of privacy and violation of human rights
- such a test would have highly dubious validity and be open to vigorous contest by psychologists and experts in testing
- it is unclear whether this factor is strong enough to void all the other factors that contribute to successful settlement.

Discarding migrants' own perceptions of positive settlement outcomes and using only evidence-based systemic indicators, research shows that minimal/no previous education is predictive of the rate at which young people and adults learn English, acquire basic literacy and foundational knowledge in education, and therefore progress along pathways to further training/education and employment (sections 2.3 and 2.4). However, as we have just argued, to include this factor in selecting Humanitarian entrants would be to subvert the fundamental principles underlying this program (section 6.1). The correct response is the well-targeted programs we described in section 4.4.

As is clear from the previous section, the use of systemic perspectives to determine an individual's prospects would require a data base that is far from what currently exists. The division of DIAC's responsibilities between several Commonwealth Departments (notably, Immigration and Border Protection, Social Services, Education and Training, and Employment) has not assisted in remedying problems in data collection and management, much less in clarifying who might be responsible for such remedy.

However, these problems reflect a more fundamental administrative problem. The 2017 CPD report is scathing in its criticism of "the fragmentation of government responsibility for resettlement, and growing amnesia within government on settlement and job services",

[318] https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf p. 4.

describing administrative coordination as "difficult and unruly".[319] The fragmentation the report describes is recent but the phenomenon is as old as the post-War migration program itself. It provides no grounds for thinking that the current or any future government could predict an individual's "settlement prospects" in any evidence-based way.

More fundamental problems attach to the assumptions in this Term of Reference, namely that what constitutes acceptable "prospects" should and can be pre-determined by authorities. Underpinning this submission is the proposition we developed in section 2.2, namely that ***systemic perspectives on successful settlement outcomes* are different from *people's own assessments* of their *individual life outcomes*. Both are legitimate and should not be conflated one with the other.** To do so is to assault the ethical and democratic principles underpinning Australia's migration program and our publicly expressed Australian values, including those that prospective migrants are required to sign.[320] These state that (among other things):

> Australian society values respect for the freedom and dignity of the individual, freedom of religion, commitment to the rule of law, Parliamentary democracy, equality of men and women and a spirit of egalitarianism that embraces mutual respect, tolerance, fair play and compassion for those in need and pursuit of the public good.

The assumptions embedded in the Inquiry's fourth Term of Reference are counter to "respect for the freedom and dignity of the individual" in that they assume the supremacy of government authorities in deciding what constitutes a person's "settlement prospects".

They are counter to "Parliamentary democracy" in implying that government officials be given extraordinary and vaguely defined powers to determine people's futures. They are counter to "egalitarianism … mutual respect, tolerance, fair play and compassion for those in need and pursuit of the public good" in that they imply that government authorities can pick winners in assessing "a prospective migrant's settlement prospects".

The assumptions in this Term of Reference also fly in the face of evidence that settlement outcomes change during (and presumably after) the first five years of settlement. As we demonstrate in section 4.4 and in the examples of best practice described there, even those for whom the indicators are less positive – notably those with minimal/no previous education – can find a worthwhile, valued place in Australian society, despite some not realising their initial ambitions (although some do).[321] In this next section, we describe the evidence of changes in the general adult migrant population in regard to English and education.

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[319] https://cpd.org.au/2017/02/settlingbetter pp. 33-34. However, ACTA does not support this report's recommendation regarding location of English Language provision within the Department of Social Services, on the grounds that a further move would be too disruptive and, more importantly, resolving the issues we raised in section 3.5.3 regarding coherence and links to the wider VET/TAFE sector would be made even more difficult. Despite our endorsement of the CPD criticisms, ACTA believes that English language provision is, first and foremost, an educational endeavour and should be administered accordingly.

[320] https://www.border.gov.au/Lega/Lega/Form/Immi-FAQs/what-is-the-australian-values-statement

[321] http://www.migrationheritage.nsw.gov.au/stories/success-stories-of-refugee-students-at-the-university-of-western-sydney/ http://www.colorincolorado.org/article/how-support-ell-students-interrupted-formal-education-sifes http://www.rcusa.org/refugee-success-stories/

6.5 Are "prospects" fixed?

Although the ASRG study found that English skills and level of education were not predictive of Humanitarian entrants' perceptions of their level of comfort living in Australia (see 2.2.2), the data provided useful insights into how English language ability increases over the settlement period. It follows that assessing *prospective* migrants' English language ability would provide little or no reliable information on their settlement "prospects".

The study found that English levels rose with length of time in Australia. That is, the majority of those who had lived in Australia for more than 4 years reported speaking English *'well'* or *'very well'* (with a significant increase between 3 and 4 years) The proportion of those who did *'not speak English at all'* halved (from 14 per cent to 7 per cent) over five years (p. 12). These findings were supported by ABS Census data (p. 13).

Improvements in English were assisted by English language courses, especially for Humanitarian entrants. Nearly 72 per cent of Humanitarian entrants had studied or were studying English after arrival and all reported benefits. Over 80 per cent said their English had improved but other important settlement outcomes from English classes were: making friends, learning about living in Australia, how to shop and use public transport, and help in finding a job. The researchers concluded that:

> any attendance at any English language class makes a significant difference to the proportion who speak English *well* (the proportion increases over time) and to the proportion who do *not speak English at all* (the proportion decreases over time). … The proportion of those who have attended classes and who speak English *very well* triples over 4 years, while the proportion who do *not speak at all* and have attended classes halves over 4 years. A fair proportion of those who do not go to classes still learn English, but they appear to learn at a slower rate. (p. 16)

Further, those in the first two years after arrival who attended the AMEP reported higher English levels than those who attended "any other type of English language class" (p. 16), which was also true for those who had been in Australia for four to five years (p. 16).

In regard to education levels, just under 50 per cent of those with trade or university qualifications gain further qualifications – we suspect that this group consists mostly of those whose overseas qualifications are not recognised in Australia. The longer a person lives in Australia, and within this group are mostly younger people, the more likely they are to gain trade qualifications (p. 18). For Humanitarian entrants of all ages, the most common field of study is "Society and culture, incl. English language and child care" and "Health, incl. nursing". (See also section 4.4.4 and 5.2).

In contrast, most Humanitarian entrants with little or no education do not obtain any education after arrival (p. 17). As we have just argued (section 6.10), lack of education must not be grounds for excluding humanitarian entrants but rather it underlines the need for policy development in line with the best practice we described in section 4.4.

Given the finding that tuition in English assists in developing English language ability, it seems obvious that these programs should be properly resourced and supported.

6.6 Conclusion and recommendations

ACTA strongly supports human rights' ***needs*** as the basis for selecting Humanitarian applicants and their family members. Equally, we oppose the use of any other criteria that would undermine or lessen a person's claims as a Humanitarian entrant on the basis of need. Family Reunions for refugees should be considered an integral of part of this program. Current delays with family reunions for Humanitarian entrants are unacceptable and are clearly undermining positive settlement outcomes, particularly for refugee youth.

ACTA considers that the character test is sufficiently fit-for-purpose. However, we are disturbed by the degree of discretion available to the relevant Minister and by the massive increase in visa cancellations since 2014. We are opposed to the deportation of *anyone under the age of 18, or anyone who arrived in Australia younger than 18, no matter what crime they have committed after arrival*. We are likewise opposed to the revocation of citizenship of anyone over the age of 18 except on grounds of convicted terrorist activity.

ACTA believes that evidence exists of serious gaps and problems in collection and management of data of incoming migrants and seeks assurance that work is being done to improve this. Serious gaps also exist in publicly available data on refugee youth's educational histories before and after arriving in Australia. It is impossible to address the risk factors in migrant-background youth's encounters with the law if data on known factors is not collected or made publicly available.

ACTA holds the strong view that any attempt to assess applicants' "settlement prospects" would be profoundly misguided and undemocratic in the powers it gave to those assessing these prospects. We believe that the current character test, the factual and demographic criteria used to assess the Skilled Migration stream and the assessment of need for Humanitarian entrants (in relation to persecution and human rights violations) should remain the basis for determining future migrants to Australia. We believe that family reunions for humanitarian entrants should be encouraged in the interests of social stability and enhancing young people's settlement prospects. We propose that the Inquiry direct its attention and recommendations to what is known about how all migrants' settlement prospects can be improved once they have arrived here.

Our recommendations on these matters follow.

See next page

13. ACTA recommends that the JSCM:

    i. reaffirm the principle that the criteria for assessing applicants for the Refugee and Humanitarian program is **focused solely on assessment of the applicant's *needs*** in relation to persecution and existing and likely human rights violations

    ii. give priority consideration to **the effects on refugee youth of prolonged separation from parents and siblings**, particularly the adverse impacts on settlement outcomes and their capacity for sustained participation in educational and employment

    iii. pursue, as a matter of urgency, improvements to **Family Reunions** for those admitted as Humanitarian entrants.

14. ACTA recommends that the JSCM state its **unequivocal opposition** to:

    i. **deportations** of anyone, regardless of their crime, *if*:
        a. they are *under* the age of 18
        b. they arrived in Australia *before* they turned 18

    ii. **revocation of citizenship** of anyone older than 18, *other than* a person convicted on a terrorism charge.

15. ACTA recommends that the JSCM investigate and document reasons for the extraordinary **increase in visa cancellations since 2014**.

16. ACTA recommends that the JSCM acknowledge that the development and application of **procedures to predict a migrant's settlement "prospects"** is:

    i. not feasible

    ii. ethically unacceptable

    iii. entirely inappropriate in relation to the Humanitarian and Family Reunion programs.

17. ACTA recommends that the JSCM:

    i. review and report on **progress in implementing Recommendation 14** (regarding data collection) of the Committee's 2013 *Inquiry into Migration and Multiculturalism in Australia*

    ii. reject the notion of assessing prospective migrants' settlement prospects, because it cannot be supported by **credible independent data or evidence**

    iii. report statistics (or recommend their collection) on **migrant-background youth in contact with the justice system** in relation to:
        a. length of time in Australia
        b. family situation, including separation from parents and siblings
        c. location and length of previous schooling prior to arrival
        d. educational history in Australia
        e. current level of education.

    iv. develop recommendations that allow data to be collected and reported on **those born overseas who are sitting NAPLAN tests** regarding:
        a. number of years resident in Australia
        b. location and years of schooling *prior* to arrival in Australia
        c. years of schooling *after* arrival in Australia
        d. English level on a nationally agreed and consistent measure of English language proficiency.

7. Social engagement of "youth migrants", including involvement in anti-social behaviour such as gang activity

In this section, we address the Inquiry's particular concern regarding the issue of youth anti-social behaviour and gang activity, as outlined in the last paragraph of its Terms of Reference. We examine the extent of this problem, its nature and causes, and identify viable responses.

7.1 Migrant-background youth involvement in anti-social behaviour: facts versus perceptions

Migrant-background youth involvement in criminal activity in Australia should be considered within the wider context of successful settlement outcomes of the migrant population as a whole. Studies in Australia and overseas consistently show that migrants, particularly more recently arrived migrants, are far more law-abiding than the non-migrant population of those settlement countries.[322] Evidence also shows that, with longer settlement and integration in the host society, second and third generation migrants approach the norms and rates of criminal activity in the general population.[323]

In Australia, the criminal activity of migrant youth is a fraction of that of their non-migrant peers. For example, data from the Victorian Crime Statistics Agency shows Sudanese-born youths aged 10-18 are responsible for 7.44 per cent of alleged home invasions, 5.65 per cent of car thefts and 13.9 per cent of aggravated robberies, compared to their Australian-born peers with 77.2 per cent, 79.8 per cent, and 57.9 per cent, respectively.[324]

Migrant youth involvement in criminal activity in Australia varies significantly in relation to ethnic background. Although numerically small, Pacific Islander and Sudanese youth are statistically overrepresented in the justice system as a proportion of migrant-background youth overall.[325] As shown in the above statistics on offences, Sudanese-born youth in Victoria are statistically over-represented relative to their proportion of Victoria's population (0.11 per cent according to 2011 census data).

In fact, the Sudanese-background youth offending statistics above may be underreported. The *Australian-born* youth crime data also includes youth from Sudanese backgrounds who were born in Australia, as a peer support worker with youths in the Sudanese community acknowledged:

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[322] Baur, J. (2006). *Future migration and policing: Examining assumptions*. Australasian Centre for Policing Research.

[323] Bartels, L. (2011) Crime Prevention programs for culturally and linguistically diverse communities in Australia. Australian Institute of Criminology: Canberra, p.4 at: http://www.aic.gov.au/publications/current%20series/rip/1-10/18.html

[324] http://www.abc.net.au/news/2016-12-04/statistics-raise-questions-about-calls-to-deport-youth-offenders/8087410; http://www.jimboombatimes.com.au/story/4594612/apex-gang-most-youth-crimes-committed-by-australian-born-offenders-police-say/?cs=7

[325] Shepherd, S. M., & T. Ilalio (2016). Maori and Pacific Islander overrepresentation in the Australian criminal justice system—what are the determinants? *Journal of Offender Rehabilitation*, 55, 2, pp.113-128.
http://www.heraldsun.com.au/blogs/andrew-bolt/it-seems-the-police-fooled-us-about-sudanese-crime/news-story/53eb1ca03a91a0bd29abeffab46562eb
Dawes, G. (2013). Sudanese 'lost boys' and their interactions with the criminal justice system in Queensland. Australia.*International Journal of Social Inquiry*. 6, 1, pp. 73-89.
http://www.heraldsun.com.au/blogs/andrew-bolt/it-seems-the-police-fooled-us-about-sudanese-crime/news-story/53eb1ca03a91a0bd29abeffab46562eb

> *The statistics show us that a lot of those kids engaged in criminal activity are as young as 13 – so they were born here.*[326]

Sudanese-background youth involvement in criminal activity is therefore a small but significant overrepresented, under-reported and growing problem that requires effective and evidence-based policy responses.

Given the low incidence of migrant-background youth offending in Australia compared to the general and youth population, public reaction and this Inquiry's focus on this issue seems disproportionate. Such responses reflect a history of moral panic about crime rates in the migrant population. In line with various research findings, ACTA suggests that Sudanese-background youth, in particular, attract these concerns because they are so visibly salient. Racialised reporting of crime in the media distorts public perceptions about the ethnic nature and scope of crime, and builds off community anxieties about social problems to implicate migrants, refugees and immigration.[327]

It is therefore critical that responses at *all* levels of policy-making, advice and enforcement do not reinforce or magnify these racialised constructions of "the problem". Rather, to the extent that there is a problem, and because reducing youth crime is always a desirable policy objective, ACTA hopes that the Inquiry will assist policy-making with constructive and evidence-based recommendations.

7.2 Migrant-background youth anti-social behaviour & gang involvement

Reflecting an emerging consensus in comparative study of gang activity across different countries over the previous decade, a gang has been defined as "any durable, street-oriented youth group whose involvement in illegal activity is part of their group identity".[328] In contrast to US studies, Australian research has emphasised the fluid, informal, non-hierarchical and non-territorial character of gangs as "loose collectivities and friendship groups whose visibility is heightened through their routine congregation around, and movement through, public space".[329]

The problem of "ethnic" youth gangs is not new in Australia. In the past, State and Federal governments have had to respond to criminal youth gangs such as the "5T" gang in Cabramatta and the "Assyrian Kings" in Fairfield.[330] In the case of the "5T" gang, concerted government action was a late-stage response to criminal drug gang activity in the area

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[326] http://www.abc.net.au/news/2016-12-04/statistics-raise-questions-about-calls-to-deport-youth-offenders/8087410

[327] Windle, J. (2008). The racialisation of African youth in Australia. *Social identities*, 14, 5, pp. 553-566. https://www.thesaturdaypaper.com.au/news/media/2017/02/25/race-stereotyping-and-melbournes-apex-gang/14879412004275
http://www.policeaccountability.org.au/racial-profiling/apex-gang-and-coded-racism/

[328] Decker, S. H., F. Van Gemert & D. C. Pyrooz (2009). Gangs, migration, and crime: The changing landscape in Europe and the USA. *Journal of International Migration and Integration/Revue de l'integration et de la migration internationale*, 10, 4, pp.393-408. p.397.
Klein, M. W. (2005) Introduction .In Decker, S. H., & F. M. Weerman (eds.). *European street gangs and troublesome youth groups*. AltaMira Press.

[329] Perrone, S. & R. White (2000) *Young people and gangs*. Australian Institute of Criminology. Trends and Issues. p.3 at: http://aic.gov.au/media_library/publications/tandi_pdf/tandi167.pdf

[330] Commonwealth of Australia (1995) *Asian organised crime in Australia: a discussion paper by the Joint Parliamentary Committee on the National Crime Authority* at: http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Former_Committees/acc/completed_inquiries/pre1996/ncaaoc/report/c05

following years of neglect, youth alienation and ineffective policing, and was mobilised only after an independent State Upper House Inquiry.[331]

What was learned from such experiences constitutes essential knowledge about both effective and ineffective responses to youth anti-social and criminal activity that must not be forgotten. The Inquiry presents a key opportunity for reviewing past lessons and ensuring that this community and corporate knowledge forms part of the evidence base for future policy and practice.

Essential to mounting any effective response to anti-social and criminal activity of migrant-background youth is a clear understanding of its underlying social causes. However, causal factors and explanations for migrant youth anti-social and criminal activity are not always documented in government inquiries. Comments by a key advocate for effective responses to organised crime in Cabramatta, Detective Sergeant Tim Priest, provide key insights into the nature and origins of migrant-background youth criminal gangs:

> *My experience is that these gangs are bound together by ethnicity and many of these immigrant youths have nothing else to look forward to in this country but to form* ***a brotherhood type of arrangement with similar youths of the same nationality****. So what I'm really saying is these kids* ***are disenfranchised for whatever reason from mainstream Australia and it's almost like the only hope they hold is to form alliances with kids in a similar situation****…. it is important to realise that they are just being used to carry out the orders of, quite often legitimate, businessmen. They're simply a tool of trade for the gang leaders. Teenagers, by their very nature, are the ones most vulnerable when lured into gangs which promise cash, women, an action-packed life, so to speak, but essentially, gangs need teenagers as foot soldiers — they cannot operate otherwise…. In my experience, many of the kids I've dealt with in these gangs have almost no parental guidance or responsibility. Anyway, they come from dysfunctional families almost as though they are doomed from the very start….The emergence of Triad gangs is something that worries me very deeply because they are far more organised and brutal than anything we've ever seen, and they quite often use Vietnamese gangs as their foot soldiers.*[332] (our emphases)

These comments exemplify the argument we have made throughout this submission regarding the need to attend to migrants' own perspectives on settlement outcomes, how these perspectives are fundamentally linked to feelings of *connectedness*, and specifically how they play out for migrant-background youth (sections 2.2 and 5.1). The desire for connectedness links precisely to many of the social risk factors for migrant youth criminal gang activity well documented in the research, which we outline below (section 7.2.2). As we have consistently argued, these perspectives must be addressed in any response to migrant-background youth antisocial behaviour, including the Committee's thinking on this issue.

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[331] NSW Legislative Council Report on Cabramatta Policing (2001) at: https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryReport/ReportAcrobat/5972/Committee%20Report%2026%20July%202001%20-%20Inquiry%20into%20Polic.pdf

[332] msn transcript 8 Jul 2001 cited in: A. Jakubowicz (2004) *Vietnamese in Australia: a generation of settlement and adaptation*. https://andrewjakubowicz.com/publications/vietnamese-in-australia-a-quintessential-collision/
Significantly, these comments were made not at a government inquiry, but in an online discussion following a 2001 Sixty Minutes TV program.

A fundamental question that the Committee needs to consider in its investigation relates to the "migrant backgrounds" of the youth involved in gang activity. To what extent is the problem of gang activity connected to migration? To what extent is it a domestic, "home-grown" social problem? To what extent is it an outcome of the legitimate but frustrated desire to connect to mainstream Australian society? Answers to these questions should crucially inform the Inquiry's conclusions and recommendations.

7.2.1 Who are the "youth migrants" involved in anti-social behaviour and gang activity?

The term "youth migrant" used in this Inquiry is highly ambiguous, as we explained earlier (section 1.3.2). It can be understood as referring to at least two different groups:

i. youth who arrived in Australia *less than* five years ago (i.e. within the official "settlement" period)
ii. youth born overseas who arrived here *more than* five years ago.

However, given the point just made regarding 13 year-old Sudanese-background youth, "youth migrant" could also include:

iii. youth *born in Australia* to migrants who arrived in Australia more than five years ago (and who may themselves have lived here for most of their lives).

The term requires clarification and consistent application, if not revision (see section 1.3.2), by the Inquiry. A major difference exists between those in the settlement phase and those whose upbringing and socialisation in childhood and adolescence has occurred primarily in Australia.

The press release referring to "recent events in Victoria" describes gang activity of mainly Sudanese youth in 2016.[333] This activity included public brawls with Pacific Islanders, car-jacking and home invasions.[334] Media reports have variously suggested the group, known as the "Apex" gang, numbers around 160-200 or 400 teenagers.[335] Data on the backgrounds of these youth are not publicly available and need clarification (section 6.3).

Members of "Apex" gang are teenagers (aged 12-19) initially reported to be from Sudanese refugee backgrounds but more recently described as network of mainly Australian-born groups from different ethnic backgrounds.[336] As we outline below, the nature and membership of the "Apex" gang has evolved since its inception but its original, core membership comprise youth from Sudanese backgrounds (section 7.2.4).

The Sudanese gang members appear to have been children, and unattached minors, who entered Australia through the humanitarian program during the peak Sudanese refugee intake

[333] file:///C:/Users/TOSHIBA/Downloads/Media%20001.pdf
[334] http://www.theaustralian.com.au/news/inquirer/at-the-apex-of-a-crime-wave-in-melbourne/news-story/2e8feeebd29a5d7484bf77e3bc868ecb
[335] http://www.heraldsun.com.au/news/law-order/wave-of-gang-crime-prompts-federal-probe-into-ethnic-gang-violence/news-story/dcefcab1da9f239bb275c992772506c5
http://www.theage.com.au/victoria/melbourne-cbd-brawl-who-are-the-apex-gang-20160314-gnima2.html
http://www.dailymail.co.uk/news/article-3703217/Founding-member-Melbourne-s-'Apex'-gang-reveals-African-group-s-spiral-crime.html
[336] https://www.crikey.com.au/2017/04/21/did-the-herald-sun-invent-the-sudanese-youth-apex-gang/

between 2001 and 2006.[337] The great majority of Sudanese entered Australia through the Special Humanitarian Program (74 per cent) and generally settled near their proposers[338], mostly (33 per cent) in Melbourne.[339] Overall, Sudanese settlers were very young with 43 per cent (7,700) under 18 years on arrival.[340]

It follows that those younger than 17 in the "Apex" gang were most likely born in Australia, while those older were most likely born in African refugee camps. All have grown up in Australia and are, or were, enrolled in Australian schools. They are those whose special needs were clearly described at the time (sections 2.4 and 3.6).

7.2.2 Factors in youth anti-social behaviour and involvement in gang activity

Research has identified both the underlying risk factors and protective factors in youth anti-social behaviour and gang activity.[341] As explained by the Centre for Multicultural Youth:

> Risk factors are personal or environmental conditions that increase an individual's chances for criminal involvement. Protective factors are elements that improve an individual's life while reducing the risk for criminal involvement. They can be used to help understand the causes of offending behaviour and the preventative measures that need to be in place.[342]

Whereas risk factors highlight youth vulnerabilities, protective factors draw attention to social and personal engagement that protects against youth delinquency. These factors have been synthesised in various frameworks.

For example, Table 9 below identifies key *general* youth vulnerability and resilience factors that promote or prevent youth involvement in anti-social or gang activity.[343]

See next page

[337] Commonwealth of Australia, 2007, Sudanese Community Profile, p.4 Figure 1 https://www.dss.gov.au/sites/default/files/documents/11_2013/community-profile-sudan.pdf
[338] Commonwealth of Australia, 2007, Sudanese Community Profile, p.5
[339] Commonwealth of Australia, 2007, Sudanese Community Profile, p.6
[340] Commonwealth of Australia, 2007, Sudanese Community Profile, p.7
[341] US Department of Justice (2001) *Risk Factors for Delinquency: An Overview* at: https://www.ncjrs.gov/pdffiles1/ojjdp/frd030127.pdf National Crime Prevention (1999) *Pathways to prevention: Developmental and early intervention approaches to crime in Australia* at: https://www.griffith.edu.au/__data/assets/pdf_file/0005/708800/no6_summary.pdf
[342] Centre for Multicultural Youth (2014) *Fair and Accurate? Migrant and Refugee Young People, Crime and the Media*. p.5at: http://www.cmy.net.au/publications/fair-and-accurate
[343] Australian Institute of Criminology: Canberra (2011) *Crime Prevention programs for culturally and linguistically diverse communities in Australia*, p.4 at: http://www.aic.gov.au/publications/current%20series/rip/1-10/18.html

Table 9: Protective and risk factors for criminal behaviour

FACTORS	EXAMPLES OF PROTECTIVE FACTORS	EXAMPLES OF RISK FACTORS
Child factors	Social skills and competence, moral beliefs and values, attachment to family, empathy and optimism	Chronic illness, poor social skills, alienation, impulsivity, insecure attachment, beliefs about aggression
Family factors	Secure and stable family, strong family norms and morality, supportive relationship with other adult, small family size	Single parents, mental illness and substance abuse, family violence, long term unemployment, low involvement in child's activities, absence of father
School factors	Positive school climate, sense of belonging, pro-social peer group, school norms about violence	School failure, deviant peer group, bullying, poor attachment to school, inadequate behaviour management
Life events	Moving to a new area, encountering at critical turning points	Divorce and family breakup, war or natural disasters, death of a family member
Community & cultural factors	Access to social services, attachment to the community, participation in church or other community group, strong cultural identity and ethnic pride, community/cultural norms against violence	Socioeconomic disadvantage, population density and poor housing conditions, neighbourhood violence and crime, cultural norms about violence being acceptable response to frustration, lack of support services, discrimination

Specific frameworks for migrant- and refugee-background youth have also been developed based on general youth frameworks and research on non-migrant adolescent delinquency. General youth risk and protective factors such as family dysfunction, single parent household, peer group influence, low SES, and school dropout reflected in the framework above are equally applicable to migrant youth and are readily identified in the migrant youth framework below.[344]

See next page

[344] Centre for Multicultural Youth (2014) *Fair and Accurate? Migrant and Refugee Young People, Crime and the Media*. p.5
Australian Institute of Criminology (2011) *Crime Prevention programs for culturally and linguistically diverse communities in Australia.* Canberra.
Rossiter, M. J., & K. R. Rossiter, (2009). Diamonds in the rough: Bridging gaps in supports for at-risk immigrant and refugee youth. *Journal of International Migration and Integration/Revue de l'integration et de la migration internationale*, 10, 4, pp. 409-429.

Table 10: Framework of protective and risk factors for migrant-background youth

LEVELS	RISK FACTORS	PROTECTIVE FACTORS
Community	• Poverty • Transitions in schooling and into the community • Low neighbourhood attachment and community disorganisation • Availability of drugs • Lack of safe, affordable and stable housing.	• Good relationship with an adult outside the family • Opportunities for meaningful contributions • Cultures of cooperation • Stability and connectedness.
School	• Poor relations in school • Academic failure especially in middle years in school • Early and persistent anti-social behaviour and bullying • Low parental interest in children.	• A sense of belonging and fitting in • Positive achievement and evaluations • Having someone outside your family that believes in you • Attendance at preschool (see section 3.3).
Family	• History of problematic alcohol and drug use • Inappropriate family management • Family conflict • Alcohol/drugs interfering with family rituals • Harsh/coercive or inconsistent parenting • Mental instability or conflict • Favourable parent attitudes towards risk taking behaviour.	• A sense of connectedness to family • Feeling loved and respected • Proactive problem solving and minimal conflict during infancy • Maintenance of family rituals • Warm relationship with at least one parent • Absence of divorce during adolescence • A good "fit" between parents and a child.
Individual/ peer	• Constitutional factors, alienation, rebelliousness, hyperactivity, aggression, novelty seeking • Seeing peers taking drugs • Friends engaging in problem behaviour • Favourable attitude toward problem behaviour • Early initiation of problem behaviour.	• Temperament/activity level, social responsibility, autonomy • Development of special talents/hobbies and zest for life • Work success during adolescence • High intelligence (not paired with sensitive temperament).

The commonality of criminal risk and protective factors for both non-migrant and migrant-background youth is significant. Migrant adolescents, as they grow up in their country of settlement, are subject to the same basic set of social conditions and forces as their native-born peers. It follows that a migrant-background adolescent's propensity for involvement in criminal activity (or for resistance to that activity) is substantially formed within the social environments offered by his/her country of settlement.

Within this broad range of factors, the effects of migration, the refugee experience and the host society's responses play out. Migrant- and refugee-background youth are at considerable risk of "academic failure especially in middle years in school" (sections 2.4 and 3.6). They persistently report being subject to racist bullying.[345] Some refugee youth, and notably Sudanese-background youth, have experienced high levels of family dislocation, including because of delays and failures in reuniting with remaining parents and/or siblings (section 6.1). Many have lost close family members in horrific circumstances, and experienced torture and trauma, either themselves personally or their effects on close family members.

Conversely, research on successful settlement outcomes for migrant-background youth identify protective factors that are inherent in the best practice across *all* the areas that we described section 4, for example: support for their own and their parents' English language and literacy learning; pathways into further training, education and employment; access to pre-school; counselling for themselves and their family members; participation in sport, artistic and other recreational activities, and measures that promote social inclusion, social and civic engagement and combat racism.[346] All these programs, practices and policies create the "contexts of reception" that shape developmental ecologies of family, peer group, school and community, and determine the successful settlement of migrant and refugee youth.[347] Overall, life outcome factors that predict feelings of "connectedness" in migrants' perspectives on their success in settling have full force in this context (sections 2.2 and 5.1).

A second strand of research focuses specifically on the social processes involved in youth gang formation and the identity/cultural aspects of group membership in a youth street gangs. This research recognises that there are crucial transitions from normal adolescent peer group participation such as school friends, cliques and crowds to affiliation with anti-social street gangs and then to membership of an organised criminal group.[348] The pyramid of gang involvement figure below represents these transitions.[349]

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[345] Mansouri, F., L. Jenkins, L. Morgan & M. Taouk, M. (2009). *The impact of racism upon the health and wellbeing of young Australians*. at: https://www.fya.org.au/app/theme/default/design/assets/publications/Impact_of_Racism_FYA_report.pdf

[346] Fozdar, F., & L. Hartley (2013). Refugee resettlement in Australia: What we know and need to know. *Refugee Survey Quarterly*, 32, 3, pp. 23-51.

Habib, F. N. (2012). Universal school-based mental health programmes for multicultural contexts: Insights and potential for cultivating safe, socially inclusive schools. *Advances in School Mental Health Promotion*, 5, 1, pp. 4-22.

Kirpitchenko, L., & Mansouri, F. (2014). Social engagement among migrant youth: Attitudes and meanings. *Social Inclusion*, 2, 2, pp. 17-27.

Jaffee, A. T. (2016). Social studies pedagogy for Latino/a newcomer youth: Toward a theory of culturally and linguistically relevant citizenship education. *Theory & Research in Social Education*, 44, 2, pp. 147-183.

[347] Portes, A. & R. G. Rumbaut, (2006). *Immigrant America: a portrait*. Univ of California Press.

Fruja Amthor, R., & K. Roxas (2016). Multicultural education and newcomer youth: re-imagining a more inclusive vision for immigrant and refugee students. *Educational Studies*, 52, 2, pp. 155-176.

Hong, J. S. (2010). Understanding Vietnamese youth gangs in America: An ecological systems analysis. *Aggression and Violent Behavior*, 15, 4, pp. 253-260.

[348] Brown, B. (2003). Crowds, cliques, and friendships. *Blackwell handbook of adolescence.* Malden, MA: Blackwell.

[349] Department for Children, Schools and Families (2011). *Safeguarding children and young people who may be affected by gang activity*, p.7 at: https://www.staffsscb.org.uk/Professionals/Resources-Tools/Supplementary-Guidance/DCSF-Safeguarding-children-who-may-be-affected-by-gang-activity-2010.pdf ,

Hallsworth, S. & T. Young (2004). Getting real about gangs. *Criminal justice matters* 55, 1, pp. 12-13.

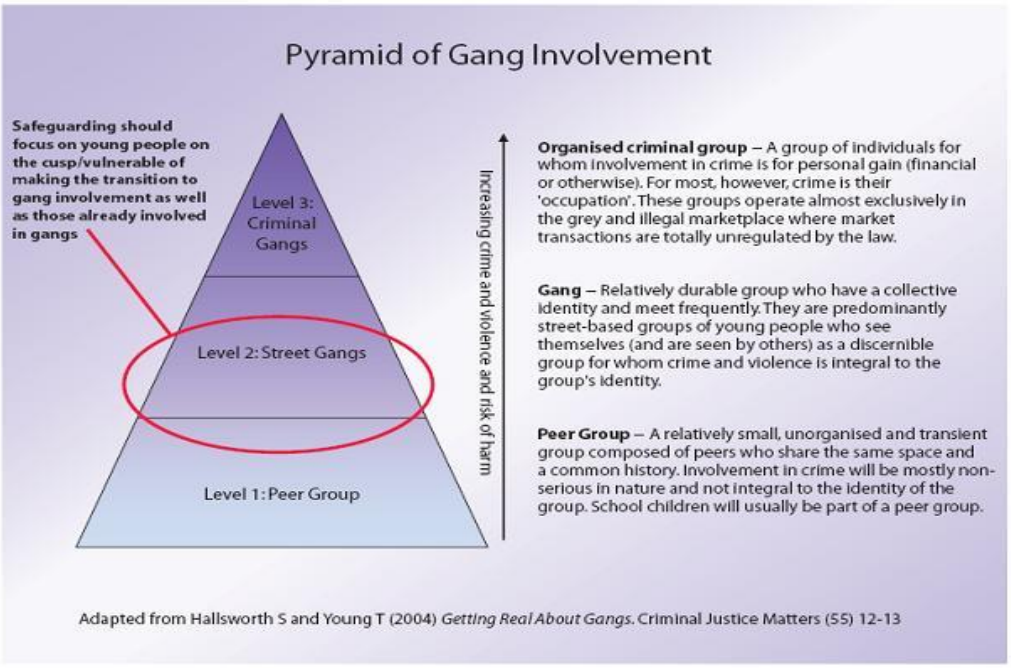

Figure 3: Pyramid of Gang Involvement

As shown in Figure 3, timely (if not early) interventions target youth who are on the cusp of transitioning from peer group to gang involvement, as well as those already involved in gangs. This perspective on gang recruitment recognises the attraction of youth gang membership for satisfying adolescents' basic needs, and crucially informs police intervention and prevention strategies.[350]

A basic driver of youth involvement in gang activity is youth *anomie* or alienation, that is, the frustration of the desire for connectedness. Alienation resulting from disadvantage, restricted life opportunities and marginalisation, in which immigration and cultural factors may play a role, is a key "launch" factor for gang formation.[351] Forming or joining a gang can be an active response to this sense of alienation:

> Such anomie/strain understandings of gang formation, like social disorganisation perspectives, hold that economic disadvantage or poverty is key component and that gangs form in response to a blocked opportunity structure. In other words, the gang forms and **creates a redefinition/realignment of what constitutes success and the legitimate means to become successful**.[352] (our emphasis)

[350]Sonterblum, L. Gang involvement as a means to satisfy basic needs at:.
http://steinhardt.nyu.edu/appsych/opus/issues/2016/spring/sonterblum
U.S. Department of Justice Office of Justice Programs National Institute of Justice (2006) Changing Course: Preventing Gang Membership at: file:///C:/Users/TOSHIBA/Downloads/nps61-111413-06.pdf
[351] Vigil, D. (2010). *A rainbow of gangs: Street cultures in the mega-city*. University of Texas Press.
[352] Decker, S. H., F. Van Gemert & D. C. Pyrooz (2009). Gangs, migration, and crime: The changing landscape in Europe and the USA. *Journal of International Migration and Integration/Revue de l'integration et de la migration internationale*, 10, 4, pp. 393-408. p. 398

Other studies propose that threat and conflict are necessary pre-conditions for individuals to come together as a gang for mutual self-protection.[353] Gang formation rooted in group threat/conflict explains the dynamics of inter-gang conflicts and alliances by white and black gangs in defence of local 'turf". The sense of threat and possibility explain the shared group identity and solidarity that helps constitute a gang:

> Youth make a brief but calculated decision to act with the group and to act out against status threats because image and respect was so important to maintain. Equally when the target is established, it is necessary for the group to respond. These tactics and conflicts are often what sustain the group.[354]

Self-protection against racism is a key factor in gang formation by migrant youth. Racism in schools and on the streets work together. Schools become sites of racial conflict with peers and the streets become spaces for racial conflict with police.[355]

7.2.3 Educational disengagement as a precursor to youth gang activity

Schools are key sites for developing refugee young people's sense of belonging and transition to citizenship in the new country, and are therefore central to their settlement experience, outcomes and potential for active citizenship (section 2.2.3).[356] School disengagement and drop-out both reflect and predict poor settlement outcomes for refugee youth.

School disengagement and drop-out is a consistent, high-risk factor for youth involvement gang activity and shares the same trajectory of adult offenders in the general population:

> Early disengagement from schooling has long been a key risk factor in the literature and is commonly observed life event befalling adult offenders in custody.[357]

Two major causes of school disengagement arise from the contexts of reception created by the school, namely:

i. **social exclusion** due to school climate, disciplinary procedures, peer groups, bullying and racism, and
ii. **academic exclusion** due to language, literacy and learning barriers posed by school curriculum, organisation and teaching.

A wealth of research on migrant youth engagement in school highlights the importance of positive personal relationships with peers and teachers in building individual resilience and identification with school, promoting academic engagement and protecting against school

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[353] Bankston, C. L. (1998). Youth gangs and the new second generation: A review essay. *Aggression and Violent Behavior*, 3, 1, pp. 35-45.
Perrone, S.& R. White (2000). *Young people and gangs*. Australian Institute of Criminology, at: http://aic.gov.au/media_library/publications/tandi_pdf/tandi167.pdf

[354] Decker, S. H., Van Gemert, F., & Pyrooz, D. C. (2009). Gangs, migration, and crime: The changing landscape in Europe and the USA. *Journal of International Migration and Integration/Revue de l'integration et de la migration internationale*, 10, 4, pp.393-408. p. 400.

[355] Lam, K. D. (2012). Racism, schooling, and the streets: A critical analysis of Vietnamese American youth gang formation in Southern California. *Journal of Southeast Asian American Education and Advancement*, 7, 1, Article 1.

[356] Matthews, J. (2008). Schooling and settlement: Refugee education in Australia. *International Studies in Sociology of Education*, 18, 1, pp. 31-45.

[357] Shepherd, S. M. & T. Ilalio, (2016). Maori and Pacific Islander over-representation in the Australian criminal justice system—what are the determinants? *Journal of Offender Rehabilitation*,55, 2, pp. 113-128. p.118

disengagement and drop-out (see section 4.4.3, Table 8).[358] Conversely, poor social relations at school such as racism, discrimination and bullying are high-risk factors for social alienation, school disengagement and drop-out.[359]

Harsh, inconsistent and exclusionary school disciplinary practices also militate against the forming of positive school relationships. Peguero et al. report:

> Students who perceive the school rules and punishment practices as unjust or unfair have weakened bonds to school and their own education, more school misbehaviour, and poorer educational progress.[360]

Studies of US schools have highlighted how punitive "zero tolerance" disciplinary regimes of detention, suspension and truancy steer or funnel certain youth out of school and increase likelihood of contact with the juvenile or adult justice system.[361] These studies have consistently found that the "school to prison pipeline" disproportionately affects African American and migrant background students.[362]

Racism and discrimination is also a major contributor to and predictor of early school leaving. A recent Australian study of secondary school completion of refugee youth eight to nine years after resettlement has identified that students who experience discrimination are five times less likely to complete their secondary schooling than those with no experience of discrimination.[363] Given that the majority of racism and discrimination experiences occur at school, and students from migrant backgrounds are the main recipients, visible minorities such as Sudanese youth are a vulnerable, high risk group.[364]

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[358] Baysu, G., & K. Phalet, (2012). Staying on or dropping out: The role of intergroup friendship and perceived teacher support in minority and nonminority school careers. *Teachers College Record*, 114, 5, pp. 1-25.
Cappella, E., H. Y. Kim, J. W. Neal & D. R. Jackson (2013). Classroom peer relationships and behavioral engagement in elementary school: The role of social network equity. *American Journal of Community Psychology*, 52, 3-4, pp. 367-379.
Rogers-Sirin, L., S. R. Sirin, & T. Gupta (2016). Discrimination-related stress and behavioral engagement: The moderating effect of positive school relationships. *Education and Youth Today* Vol. 20, pp. 3-29. Emerald Group Publishing Limited.
Suárez-Orozco, C., A. Pimentel, & M. Martin (2009). The significance of relationships: Academic engagement and achievement among newcomer immigrant youth. *Teachers College Record*, 111, 3, pp. 712-749.
Suárez-Orozco, C., M. Onaga, & C. Lardemelle, (2010). Promoting academic engagement among immigrant adolescents through school-family-community collaboration. *Professional School Counselling*,14, 1, pp. 15-26.
[359] Özdemir, S. B., & Stattin, H. (2014). Why and when is ethnic harassment a risk for immigrant adolescents' school adjustment? Understanding the processes and conditions. *Journal of youth and adolescence*, 43, 8, pp. 1252-1265.
[360] Peguero, A. A., Bondy, J. M., & Shekarkhar, Z. (2017). Punishing Latina/o Youth: School Justice, Fairness, Order, Dropping Out, and Gender Disparities. *Hispanic Journal of Behavioral Sciences*, 39, 1, pp. 98-125, p.101
[361] Mallett, C. A. (2016a). The school-to-prison pipeline: A critical review of the punitive paradigm shift. *Child and Adolescent Social Work Journal*, 33, 1, pp. 15-24.
Mallett, C. A. (2016b). The school-to-prison pipeline: From school punishment to rehabilitative inclusion. *Preventing School Failure: Alternative Education for Children and Youth*,60, 4), pp. 296-304.
Sharma, S. (2016). The school-to-prison pipeline, youth from diverse families, and the politics of educational policy and practice: a call to educate, not incarcerate. *Journal of Family Diversity in Education*, 2, 1, pp. 90-109.
[362] Mallett, C. A. (2016). The school-to-prison pipeline: disproportionate impact on vulnerable children and adolescents. *Education and urban society*, pp. 1-30.
Marchbanks III, T. M., A. A. Peguero, K. S. Varela, J. J. Blake & J. M. Eason (2016). School strictness and disproportionate minority contact: investigating racial and ethnic disparities with the "school-to-prison pipeline". *Youth Violence and Juvenile Justice*, pp. 1-19
[363] Correa-Velez, I., S. M. Gifford, C. McMichael & R. Sampson (2016). Predictors of secondary school completion among refugee youth 8 to 9 years after resettlement in Melbourne, Australia. *Journal of International Migration and Integration*, pp.1-15.
[364] Mansouri, F., L. Jenkins, L. Morgan & M. Taouk (2009). *The impact of racism upon the health and wellbeing of young Australians*. Foundation for Young Australians at https://www.fya.org.au/app/theme/default/design/assets/publications/Impact_of_Racism_FYA_report.pdf

In section 2.3, we documented research showing that it takes seven to twelve years for refugee and other students with disrupted education and little or no literacy in their first language to develop the linguistically and cognitively demanding English language and literacy that is on par with their English speaking peers.[365] This challenge poses specific risks of academic failure, disengagement and drop-out for refugee youth unable to make up for their lost education.

Language difficulties in primary school are linked to anti-social behaviour in adolescence. Poor oral language skills in the early years increase the risk of anti-social behaviour at age fourteen and later offending.[366] Similarly, there is a strong link between low literacy and crime. Offenders are three times more likely than the general population to have literacy problems while 65 per cent of people entering correctional facilities have lower than a Grade 8 education level of literacy skills.[367] These students may experience the same trajectory of failure as adult offenders in the general population who struggle with literacy:

> For many youth involved in the juvenile justice system, there is a well-established route from early language issues, especially deficiencies in reading ability, to later delinquency. Adolescent delinquents' reading ability lags their peers by about two years.[368]

Studies of newly arrived African refugee students' participation in Australian schools have found that the schooling system overall is not working well for these students.[369] Subject teachers, and even ESL teachers experienced in teaching refugee students, have difficulty in sourcing appropriate materials and adapting their teaching for the low literacy levels of this cohort.[370]

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[365] Cummins, J. (1991). Interdependence of first and second language proficiency in bilingual children. In E. Bialystok (ed.), *Language processing in bilingual children*, Cambridge: CUP.

Thomas, W. P., & V. P. Collier (2002). A national study of school effectiveness for language minority students' long-term academic achievement.

Collier, V. (1989). How long? A synthesis of research on academic achievement in a second language, *TESOL Quarterly*, 23, 3, pp. 509-531.

Hakuta, K. (2000). How long does it take English learners to attain proficiency. *University of California Linguistic Minority Research Institute*;

Demie, F. (2013). English as an additional language pupils: how long does it take to acquire English fluency? *Language and Education*, 27, 1, pp. 59-69.

[366] Snow, P. & M. Powell (2012) *Youth (in)justice: Oral language competence in early life and risk for engagement in antisocial behaviour in adolescence.* Australian Institute of Criminology at: http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi435.pdf

[367] Literacy and Policing in Canada, Target crime with literacy, *The link between Low literacy and Crime.* Chapter 2 Fact Sheet at: http://policeabc.ca/literacy-fact-sheets/Page-5.html

[368] Seroczynski, A. D., & A. D. Jobst, (2016). latino youth and the school-to-prison pipeline: addressing issues and achieving solutions. *Hispanic Journal of Behavioral Sciences*, 38, 4, pp. 423-445. p.426

[369] Cassity, E. (2013). Voices shaping education: Young African refugees in Western Sydney high schools. *International Education Journal: Comparative Perspectives*, 8, 3, pp. 91-104.

Cassity, E. & G. Gow, G. (2005). Making up for lost time: The experiences of Southern Sudanese young refugees in high schools. *Youth Studies Australia*, 24, 3, pp. 51-55.

Ferfolja, T., & M. Vickers (2010). Supporting refugee students in school education in Greater Western Sydney. *Critical Studies in Education*, 51, 2, pp. 149-162.

[370] Mitchell, J., J. Miller & J. Brown (2005). African refugees with interrupted schooling in the high school mainstream: Dilemmas for teachers. *Prospect*, 20, 2, pp. 19-33.

Windle, J., & J. Miller (2012). Approaches to teaching low literacy refugee-background students. *Australian Journal of Language and Literacy*, 35, 3, pp. 317-333.

Woods, A. (2009). Learning to be literate: Issues of pedagogy for recently arrived refugee youth in Australia. *Critical Inquiry in Language Studies*, 6, 1-2, pp. 81-101.

Further studies have highlighted the major barriers refugee youth experience in the *double transition* from enrolment in an Intensive English Centre to enrolment in a mainstream primary or secondary school.[371] As we have documented, this research has drawn attention to problems of inappropriate grade placement of refugee youth in high schools, inappropriate secondary subject pedagogy hindering classroom participation and learning, and the continuing need for ESL training for all staff (sections 3.6.1 and 5.3).[372] Recent research referred to earlier found that, in the transition to the middle years of schooling, age on arrival is a significant predictor of secondary school completion. The older the student is on arrival, the less likely they are to complete school. Conversely, for each year decrease in age on arrival, youth were two times more likely to complete high school.[373] Hence we have argued for greater support for the SPP+AMEP+TAFE option (sections 3.6.3 and 4.4.4).

School disengagement then is a significant predictive risk factor for male street gang affiliation:

> [Studies] employing a longitudinal design suggested a predictive relationship for gang affiliation arising from school failure and low academic performance, commitment to school, negative relationships with teachers and suspension from school.[374]

7.2.4 Understanding Sudanese youth involvement in gang activity

Many of the criminal risk factors and absence of protective factors just discussed can be linked to Sudanese youth involvement in anti-social behaviour and gang activity. Studies of Sudanese youth and families conducted in Victoria, NSW, Queensland and Western Australia highlight the *combination* and *accumulation* of risk factors and absence of protective factors that promote gang activity.

Studies draw attention to common Sudanese family and household factors that pose risks for Sudanese-background youth. These include insecure housing; mother-only households due to widowhood, absent fathers, or family breakdown, the number of children of different ages attenuating parent supervision, inter-generational cultural conflict around parental authority

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[371] Cassity, E. A., & G. Gow (2006). *Making up for lost time: Young African refugees in Western Sydney high schools*, University of Western Sydney at: http://researchdirect.westernsydney.edu.au/islandora/object/uws:11690

Ferfolja, T., & M. Vickers (2010). Supporting refugee students in school education in Greater Western Sydney. *Critical Studies in Education*,51, 2, pp. 149-162.

Weekes, T., L. Phelan, S. Macfarlane, J. Pinson, & V. Francis (2011). Supporting successful learning for refugee students: The Classroom Connect project. *Issues in Educational Research*, 21, 3, pp. 310-329.

[372] Cassity, E. A. & G. Gow (2006). *Making up for lost time: Young African refugees in Western Sydney high schools*, University of Western Sydney.

Kanu, Y. (2008). Educational needs and barriers for African refugee students in Manitoba. *Canadian Journal of Education*, 31, 4, pp.915-940.

J. Hammond & J. Miller (Eds.). (2015). *Classrooms of Possibility: Supporting At-risk EAL students* Primary English Teaching Association Australia (PETAA), Newtown,

Miller, J. (2009). Teaching refugee learners with interrupted education in science: Vocabulary, literacy and pedagogy. *International Journal of Science Education*, 31, 4, pp. 571-592.

Miller, J., & Windle, J. (2010). Second language literacy: Putting high needs ESL learners in the frame. *English in Australia*, 45, 3, pp. 31-40.

Miller, J., A. Kostogriz, & M. Gearon (eds.). (2009). *Culturally and linguistically diverse classrooms: new dilemmas for teachers*. Multilingual Matters.

[373] Correa-Velez, I., S. M. Gifford, C. McMichael & R. Sampson (2016). Predictors of secondary school completion among refugee youth 8 to 9 years after resettlement in Melbourne, Australia. *Journal of International Migration and Integration*, August, pp. 1-15.

[374] Raby, C. & F. Jones (2016). Identifying risks for male street gang affiliation: a systematic review and narrative synthesis. *The Journal of Forensic Psychiatry & Psychology*, 27, 5, pp. 601-644.

and traditional discipline, and low income households exacerbated by financial debt to their proposers.[375] Most of these risk factors are associated with the nature of the humanitarian intake and the particular humanitarian stream (proposer scheme) through which Australia accepts refugees. The little information that is available about Sudanese members of the "Apex" gang highlights common background factors of unaccompanied minors, absent fathers, family breakdown, youth homelessness, and arrival in Australia at age eight or nine.[376]

Having accepted and taken pride in our role as a global citizen in admitting refugees, Australia should take responsibility for what happens to those who come here. Importantly, protective factors can overcome risk factors, build resilience and social engagement, and lead to successful resettlement outcomes for Sudanese families and youth. In cases where families are accepted and welcomed by the host community, receive ongoing settlement support and are connected with local community agencies, schools and their own community, their initial resettlement disadvantages are entirely mitigated.[377]

Studies of Sudanese youth in Australia also highlight the social environmental risk factors affecting their school engagement. These centre on peer bullying and exclusion, racism and the difficulty in making friends outside their ethnic group.[378] As reported by students in one study:

> *At schools for example, there is a number of young people with a South Sudanese background that drop out from school because of racist attitudes towards them. If you talk to young people, some will tell you that they are called monkeys at schools; things like that can constitute racism. Young people are supposedly to spend 80 per cent of their day at school; there is no way you can spend such time as a human being in an environment where you feel unsafe, unrespected or treated as if you are a person who has somewhere else to go. (Achol)*
>
> *My brother was constantly threatened at school which was horrible. Eventually we had to move out and particularly we cannot cope to live there anymore because it was not safe for us. As a consequence of living in that area before, my brother is struggling with school. The South Sudanese young people are struggling to find their ways of belonging in terms of their identity in Australia. This is due to constant issues confronting people in*

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[375] http://www.theaustralian.com.au/news/nation/failure-to-fit-in-feeding-africanlinked-crime-surge/news-story/956eb35d41405180ae7eb4241318c95e;
Poppitt, G. & R. Frey (2007). Sudanese adolescent refugees: Acculturation and acculturative stress. *Australian Journal of Guidance and Counselling*, 17, 2, pp. 160-181
Dunja, L. & D. Arunachalam (2009). Cultural and economic adaptation of Sudanese refugee migrants in Melbourne: A Dandenong case study. *The future of sociology. Paper presented at the Australian Sociological Association, Canberra*, December, pp. 1-15
Hebbani, A., L. Obijiofor & H. Bristed (2012). Acculturation challenges that confront Sudanese former refugees in Australia. *Journal of Intercultural Communication*, 28, March, pp. 1-18
Hebbani, A., L. Obijiofor & H. Bristed (2009). Generational differences faced by Sudanese refugee women settling in Australia.
[376] http://www.abc.net.au/7.30/content/2015/s4426408.htm; http://www.dailymail.co.uk/news/article-3496077/Member-secretive-Sudanese-'Apex'-gang-blasts-Victorian-Premier-s-response-violent-street-brawl-basically-racism.html
[377] Major, J., J. Wilkinson, K. Langat & N. Santoro (2013). Sudanese young people of refugee background in rural and regional Australia: Social capital and education success. *Australian and International Journal of Rural Education*, 23, 3, pp. 95-105
Santoro, N. & J. Wilkinson (2016). Sudanese young people building capital in rural Australia: the role of mothers and community. *Ethnography and Education*, 11, 1, pp. 107-120
[378] Mungai, N. (2008, November). Young Sudanese men experiences of racism in Melbourne. In *African Studies Association of Australasia and the Pacific 31st Conference: 'Building a Common Future–Africa and Australasia* (pp. 26-28).

> *many places, and these issues include racism and discrimination at workplaces, schools and other public areas. (Monica)*[379]

It is in this context that Sudanese youth inevitably seek out the security of their own group at school. As reported by one of its founding members, the "Apex" gang had its beginnings in the collective self-protection that such an extended friendship group provided:

> John said he was bullied at school by "Aussies" until he made his own "ethnic" friends. *"I am not afraid of anyone anymore – at school you can't get up and fight back and teachers do nothing but people don't run at me anymore,"* he said.[380]
>
> *They would punch you in the corridor and you couldn't get up and hit them back because you were alone, and if you told a teacher nothing happened. They stopped hitting me when I made some friends – with the other ethnic kids.*[381]

As the "Apex" gang moved to the streets and expanded, it also became an alternate family for members, especially younger, newer recruits with disrupted home lives.[382]

Studies also highlight the language learning and academic risk factors impeding Sudanese-background youths' participation and engagement at school and promoting school drop-out. These typically include limited disrupted schooling, little of no experience of formal school learning, poor English proficiency, post-traumatic stress disorder, concentration difficulties, lack of basic literacy skills, gaps in education, and fixed or unrealistic expectations of school (sections 2.4, 3.6 and 4.4).[383]

Above and beyond the risk factors specific to Sudanese-background youth and their families is the media environment. It is playing a significant role in shaping public perceptions of these youth and creating hostile social and political contexts of reception for the whole Sundanese community.

Media-fuelled public fear of Sudanese youth over the last two years has been a major factor in the development, if not the creation, of the "Apex" gang. It was the media that gave the gang its name, stoked fear of all Sudanese-background youth under cover of the name, and through the notoriety gained from its reporting, actually encouraged the growth of the gang into a loose collection of different groups under the "Apex" brand name.[384]

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[379] Abur, W. (2012). The settlement challenges facing South Sudanese refugee community in the western of suburbs of Melbourne. In *Proceedings of the annual conference of The Australian Sociological Association 2012*. The Australian Sociological Association, pp. 9-10.

[380] http://www.dailymail.co.uk/news/article-3703217/Founding-member-Melbourne-s-'Apex'-gang-reveals-African-group-s-spiral-crime.html

[381] http://www.dailymail.co.uk/news/article-3704361/How-'Apex'-gang-formed-Melbourne-Aussie-kids-bullied-immigrant-children-school-ethnic-members-allowed.html

[382] http://www.dailymail.co.uk/news/article-3703217/Founding-member-Melbourne-s-'Apex'-gang-reveals-African-group-s-spiral-crime.html

Bankston, C. L. (1998). Youth gangs and the new second generation: A review essay. *Aggression and Violent Behavior*, 3, 1, pp. 35-45.

[383] Kanu, Y. (2008). Educational needs and barriers for African refugee students in Manitoba. *Canadian Journal of Education*, 31, 4, pp. 915-940.

[384] http://www.policeaccountability.org.au/racial-profiling/apex-gang-and-coded-racism
http://theconversation.com/for-gangs-with-a-social-media-presence-like-apex-theres-no-such-thing-as-bad-publicity-70730
http://www.policeaccountability.org.au/racial-profiling/apex-gang-and-coded-racism
http://theconversation.com/for-gangs-with-a-social-media-presence-like-apex-theres-no-such-thing-as-bad-publicity-70730

In this environment, a consistent complaint by Sudanese-background youth is how their presence in public places is perceived as menacing and consequently invites differential, racially targeted public policing.[385] As evident in recent testimony to the Inquiry, this fear has now spread to schools where teachers are placing anti-congregation bans on their Sudanese students.[386]

This situation has had the effect of fuelling gang members' anger at police and society, entrenching their social alienation, increasing their criminal bravado and strengthening their gang solidarity.[387]

The question needs to be asked as to why Sudanese gang activity has arisen in Victoria but nowhere else in Australia. NSW, Queensland and Western Australia have significant Sudanese populations with the same risk profile and resettlement and schooling problems but have not experienced the kind of youth gang problem witnessed in Victoria. It would seem that the gang problem in Victoria represents a special case arising from a particular set of local conditions. ACTA is of the strong view that the singularity of one State's experience does not provide sufficient grounds for making sweeping changes to the nation's immigration policy. Rather, the particular set of conditions giving rise to gang activity in Victoria offers important lessons for youth policy and programs and should be the focus of the Inquiry's investigation.

7.3 Responding to youth anti-social behaviour and gang involvement

An effective policy response to migrant-background youth anti-social behaviour and gang activity involves understanding and addressing the underlying causes of the problem, rather than merely reacting to its symptoms.

Four models of policy responses and their outcomes have been identified.[388] Each model follows from a different theory and set of assumptions about the role of immigration in criminal activity in the host society. The models are summarised in Table 11 below.

See next page

[385] http://www.abc.net.au/news/2016-12-04/young-south-sudanese-constantly-stopped-by-police/8078642
Dawes, G. (2013). Sudanese 'lost boys' and their interactions with the criminal justice system in Queensland Australia. *International Journal of Social Inquiry*, 6, 1, pp. 73-89.
White, R. (2009). Ethnic diversity and differential policing in Australia: the good, the bad and the ugly. *Journal of International Migration and Integration/Revue de l'integration et de la migration internationale*, 10, 4, pp. 359-375.
[386] http://www.heraldsun.com.au/news/victoria/south-sudanese-students-banned-from-congregating-in-groups-at-several-melbourne-schools/news-story/88e7d820d1714beb59cb6bdb7722fd1f
[387] http://www.kieransreview.com/2016/11/07/in-defense-of-the-apex-gang/http:/;/theconversation.com/for-gangs-with-a-social-media-presence-like-apex-theres-no-such-thing-as-bad-publicity-70730
[388] Wortley, S. (2003). Hidden intersections: Research on race, crime, and criminal justice in Canada. *Canadian Ethnic Studies Journal*, 35, 3, pp. 99-118.
Wortley, S. (2009). Introduction. The immigration-crime connection: Competing theoretical perspectives. *Journal of International Migration and Integration/Revue de l'integration et de la migration internationale*, 10, 4, p. 349.

Table 11: Models of immigration-crime connections

MODEL	DESCRIPTION	THEORY, ASSUMPTIONS	POLICY RESPONSE	OUTCOMES
1. Importation model	Crime in immigrant - receiving nations is seen as imported through immigration via e.g. crime syndicates, criminal gangs and terrorist organisations.	Some individuals make the decision to migrate with the explicit objective of engaging in criminal activity within the receiving country. Immigrant, minority offenders are already motivated criminals when they decide to migrate. Direct relationship between crime and migration.	Reliance on law enforcement measures. Improved screening of potential immigrants and refugees, better tracking of international criminals through international cooperation, restrictions on "crime-prone" countries, swift deportation of immigrants convicted of criminal offences.	• Migrants/ immigration blamed as the problem • Moral panic fuelled • Devastating impact on lives of deportees • Economic, social and security problems of developing countries receiving deportees increased • Host society absolved from responsibility for immigrant and /or ethnic minority crime.
2. Strain model	The experiences of immigrants *within* host societies are the primary cause of immigrant and ethnic minority crime.	Immigration and resettlement is stressful. Immigrants frequently suffer from social, cultural, political and economic barriers/ marginalisation/ deprivation which can lead to criminal activity. Direct relationship between crime and conditions of poverty.	Reliance on social policy measures. Improved provision/delivery/co-ordination of settlement services. Crime reduction through policies that eliminate discrimination, reduce economic inequality, increase educational and employment opportunities	• Focus shifted to negative settlement experiences/processes rather than blaming migrants or countries of origin • Host society takes responsibility for immigrant and /or ethnic minority crime • Social policies are informed by crime risk and protective factors.
3. Cultural conflict model	Immigrant crime reflects complex intersection between immigration and culture	Conflict between cultural or religious practices and customs of new immigrants and laws of the receiving nation, e.g. corporal punishment, female circumcision.	Reliance on pre migration information for prospective migrants, and community education post migration.	• Proactive approach to communicating host society's laws and values • Cultural diversity recognised • Host society takes responsibility for eliminating immigrant and/or ethnic minority crime arising from cultural differences.
4. Bias model	Immigrant and indigenous crime reflects racial bias and discrimination of the police and justice system.	Over-representation in immigrant or ethnic minority criminal activity seen as largely the result of overt and systemic discrimination within the criminal justice system	Reliance on intensified law enforcement measures, such as increased police surveillance, racial profiling, zero tolerance policing, tough sentencing.	• Overrepresentation of indigenous, visible immigrant minority youth in the justice system • Alienation, sense of injustice, perceptions of racism, discrimination by indigenous, visible ethnic minorities • Perpetuation, cycle of "get tough on crime" campaigns • Negative police ethnic minority relations, lack of community cooperation with police.

As is clear from Table 11, these four models generate quite different policy options.

In practice, of course, nothing is as clear-cut as these models imply. In the Australian context, ACTA supports policy approaches that reflect a hybrid of models 2 and 3.

In what follows we examine the options for policy responses to anti-social behaviour and gang involvement by Australian migrant-background youth. ACTA does not support options derived from the first model, for reasons we present below. We reject the fourth model and note that some of its outcomes are already evident in Sudanese youth interactions with police and the juvenile justice system in ways akin to those of Indigenous youth. We assume that the Committee also would not endorse this model with its underlying racial bias and will therefore make recommendations that counter the extent to which it operates in Australia.

Option 1 derived from model 1: Deportation of youth with criminal convictions

The Inquiry's focus on the adequacy of the Migration Act 1958 character test provisions as one means of addressing migrant-background youth anti-social behaviour and gang activity suggests that active consideration is being given to extending and amending current legislation to allow deportation of minors with criminal convictions, such as Sudanese gang members. It is already possible to deport those who are not minors. We note that two Sudanese youth who have served their prison sentences as minors for gang activity are currently listed for deportation.[389]

The policy of deporting youth involved in criminal gang activity mirrors an American approach. In response to growing criminal gangs of Cambodian and Vietnamese youth, the USA introduced legislation in 1996 that allowed deportation of youth with criminal convictions.[390] Youth, mainly in their 20s, who had already served their prison terms, were "repatriated" to their parents' country of origin. As they were all born in the USA as children of refugees resettled during the Indo-Chinese emergency of the 1980s, they had grown up in the USA, were alienated from their families and could not speak their parents' language.[391]

Reports have highlighted the consequences of exporting domestic social problems to immigration source countries. Deporting young people to a country they have never known is a fundamental violation of their human rights.[392] It promotes further criminal activity with fellow deportees, simply in order to survive.[393] It shifts social problems to receiving countries

[389] http://www.dailymail.co.uk/news/article-3910416/Two-Melbourne-s-violent-'Apex'-street-gang-thugs-deported-visas-revoked.html

[390] Chow, G. K. C. (2005). Exiled once again: consequences of the congressional expansion of deportable offenses on the Southeast Asian Refugee Community. *Asian American Law Journal*. *12*, pp. 103-136.

Hing, B. O. (2005). Detention to deportation – rethinking the removal of Cambodian refugees. *Immigration & Nationality Law. Review*. 26, pp. 119-199.

[391] Hing, B. O. (2005). Deporting Cambodian refugees: Justice denied? *Crime & Delinquency*, 51, 2, pp. 265-290.

[392] Coyle, I., & P. Keyzer (2016). The removal of convicted noncitizens from Australia: Is there only a 'minimal and remote' chance of getting it right? *Alternative Law Journal*, 41, 2, pp. 86-88.

Cheng, D. L. (2005). Emigres of the killing fields: the deportation of Cambodian refugees as a violation of international human rights. *Third World Law Journal*, 25, pp. 221-260.

[393] York, J. (2013). *Deported Khmer Americans: Surviving Cambodia*. Doctoral dissertation, Northern Illinois University.

least able to bear them, while disrupting affected families and communities, impairing settlement social cohesion and relations with wider society.[394]

The crime importation model assumes that migrants' or refugees' criminal activity or intent is established or fully formed prior to arrival in the host society. In Australia, it may be appropriately applied to members of organised crime syndicates entering Australia or those coming or returning to Australia with the intention of carrying out a terrorist act.

Application of this approach to youth who have grown up in Australia and become involved in criminal activity here is inconsistent with Australia's treatment of crime by other minors.

The "character" of migrant young people involved in gang activity in Australia has been, and is still in the process of being shaped by their experiences of growing up in Australia. It is predominantly formed in Australia under Australian social conditions. Extension of the Migration Act 1958 character test to minors would be totally disproportionate to how crime by minors is seen and responded to in Australia, where the emphasis is on "re-shaping" their behaviours and allowing for their immaturity. Deportation would be an inappropriate, inadequate and unjust means to address their anti-social behaviour. Our Recommendation 14 is that no one who has arrived in Australia under the age of eighteen should be deported for *any* crime (section 6).

Option 2 derived from models 2 & 3: Targeted community engagement strategies

An understanding of gang formation processes and gang protective factors underpins a targeted *prevention* approach to youth crime and youth engagement programs.[395] Such programs reflect key research that highlights the necessity of social connectedness, belonging and "capital" for the social and civic engagement of young people.[396]

Australia has considerable knowledge and experience of crime prevention strategies, including programs for vulnerable refugee communities. Many of these were implemented between 2006-2011. Targeting youth, women, men and families from migrant backgrounds, particularly the African, Sudanese, Afghan, Burmese and Pacifica communities, these programs aimed at reducing risk and strengthening protective factors through:

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[394] Barnes, A. (2009). Displacing danger: managing crime through deportation. *Journal of International Migration and Integration/Revue de l'integration et de la migration internationale*, 10, 4, pp. 431-445.
Davis-Ramlochan, S. (2013). The intersection of racialized crime and the forced removal of 'foreign criminals' from Canada: a critical analysis. *Unpublished master's thesis. Ryerson University, Toronto*.
Brabeck, K. & Q. Xu (2010). The impact of detention and deportation on Latino immigrant children and families: A quantitative exploration. *Hispanic Journal of Behavioral Sciences*, 32, 3, pp. 341-361.
Sládková, J., S. M. G. Mangado, & J. R. Quinteros (2012). Lowell immigrant communities in the climate of deportations. *Analyses of Social Issues and Public Policy*, 12, 1, pp. 78-95.
[395] Australian Research Alliance for Children and Youth (2008). *Preventing Youth Disengagement and Promoting Engagement* at: https://www.aracy.org.au/publications-resources/command/download_file/id/120/filename/Preventing_Youth_Disengagement_and_Promoting_Engagement.pdf
[396] Centre for Multicultural Youth (2013) *Social Networks, Belonging and Active Citizenship among Migrant Youth in Australia* at: http://www.cmy.net.au/sites/default/files/publication-documents/Social%20Networks%2C%20Belonging%20and%20Active%20Citizenship.pdf
Kirpitchenko, L., & F Mansouri (2014). Social engagement among migrant youth: Attitudes and meanings. *Social Inclusion*, 2, 2.pp. 17-27
Caxaj, C. S., & Berman, H. (2010). Belonging among newcomer youths: Intersecting experiences of inclusion and exclusion. *Advances in Nursing Science*, 33, 4, pp.17-30.
Oxman-Martinez, J., & Y. R. Choi (2014). Newcomer children: experiences of inclusion and exclusion, and their outcomes. *Social Inclusion*, 2, 4, pp.23-37.

- legal education projects designed to promote better understanding of the Australian legal and criminal justice system;
- police engagement projects to build better relationships between culturally and linguistically diverse groups and local police, including cross cultural training for police and other justice agencies
- sporting, leisure and social activities
- practical assistance such as homework clubs, subsidised driving lessons, case management for vulnerable individuals
- arts programs
- leadership and training courses, especially for young people.

Examples of initiatives are summarised in *Crime Prevention programs for culturally and linguistically diverse communities in Australia*.[397] Many of these programs showed promising outcomes and offer best practice models. Our section on best practice for refugee youth with minimal/no previous schooling provides specific examples (section 4.4).

A crucial difficulty for many of these programs is their reliance on short term project-based funding and staffing, and hence their frequent discontinuation. Short implementation time frames have also prevented systematic external evaluations that might have sustained, developed and extended these programs.[398]

To ensure timely and systematic response to the settlement needs of vulnerable groups, pilot programs, where they can demonstrate success, need to have pathways to ongoing implementation. Short-term, stop-start projects have limited value.

In this context, the discontinuation of AMES Australia's comprehensive and exemplary "Bright Futures" program for migrant and refugee youth, which was developed over more than twelve years, is particularly tragic (sections 3.6.4 and 4.4.4).

Option 3 derived from models 2 & 3: Targeted youth safeguarding strategies

A coordinated, systematic, proactive approach to intervening and preventing gang activity by young people has been implemented by the British Government in response to serious youth gang-related crime in 2007. This national strategy, coordinated by the UK Departments for Children, Schools and Families and Crime and Policing, Home Office, represents a whole-of-government, multi-agency, early intervention approach to addressing youth gang issues.[399]

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[397] Australian Institute of Criminology: Canberra (2011) *Crime prevention programs for culturally and linguistically diverse communities in Australia* at http://www.aic.gov.au/publications/current%20series/rip/1-10/18.html Full details were described in the DIAC publication, *Taking the Initiative*, but this document is no longer available on the Department website.

[398] Australian Institute of Criminology: Canberra (2011) *Crime Prevention programs for culturally and linguistically diverse communities in Australia*, p.12

[399] Department for Children, Schools and Families (2011). *Safeguarding children and young people who may be affected by gang activity* at https://www.staffsscb.org.uk/Professionals/Resources-Tools/Supplementary-Guidance/DCSF-Safeguarding-children-who-may-be-affected-by-gang-activity-2010.pdf

London Safeguarding Children Board (2009). *Safeguarding children affected by gang activity and/or serious youth violence* at:
http://www.cscb-new.co.uk/downloads/policies_guidance/national/safeguarding_children_affected_by_gang_activity_or_syv.pdf

Based on the concept of "youth safeguarding" of children under the age of eighteen years, the strategy recognises that offending often starts in the early teens and so aims to:

> prevent young people from being drawn into gangs, to support those who have been drawn into the margin of gangs; and to protect those who are at immediate risk of harm either as members or victims of gangs.[400]

The strategy provides comprehensive evidence-based guidance to help agencies and practitioners identify, refer, assess and support young people who may be affected by gang activity. Importantly, it recognises that young people involved in gangs are both victims and perpetrators.

The strategy offers a productive model for consideration by the Committee in recommending a coherent, comprehensive response to the gang involvement of both migrant and non-migrant youth.

If robust strategies preventing the recruitment of young teenagers into gangs are not put in place, an Australian "school-to-juvenile justice and deportation pipeline" will effectively be established for vulnerable youth from disadvantaged communities.

Option 4 derived from models 2 & 3: Targeted education and training engagement strategies

In order to prevent youth involvement gang activity, targeted education and training strategies are needed that proactively address migrant youth school disengagement and exclusion. These strategies need to be school-based *and* system-lead. They need to address both the social and academic causes of school disengagement by rejuvenating and strengthening:

i. anti-bullying and racism programs, and
ii. EAL/D language, literacy and related educational support.

Anti-bullying/racism and EAL language and literacy programs are not new to Australian schools and have been part of the educational landscape for many years. Clearly, however, they are not working for those youth who are becoming involved in gang activity – either because these programs are not being implemented where needed, are being implemented poorly or are ineffective for the target group. Development of these strategies will therefore need to be preceded by a review of existing educational effort and provision with reference to best practice, not least a review of the widespread erosion of EAL/D programs detailed in this submission (sections 3.4.5 and 3. 6.4).

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[400] Department for Children, Schools and Families (2011). *Safeguarding children and young people who may be affected by gang activity*, p.1.
Fitch, K. (2009). *Teenagers at risk: The safeguarding needs of young people in gangs and violent peer groups*. London: NSPCC.
Jack, G., & O. Gill (2010). The role of communities in safeguarding children and young people. *Child Abuse Review*, 19, 2, pp. 82-96.
James, D. R., N. N. Sargant, N. Bostock & S. Khadr (2017). New challenges in adolescent safeguarding. *Postgraduate Medical Journal*, 93, 1096, pp. 96-102.

The announcement by the Victorian Education Minister of a State-wide education strategy targeting at risk Pacific Islander students is a recent recognition of the necessity of a targeted education and training engagement strategy to address this problem.[401]

7.4 Conclusion and recommendations

ACTA believes that migrant-background youth involvement in anti-social behaviour and gang activity has its genesis in frustrated and legitimate desires to succeed and connect with the Australian mainstream, inadequate (or no) educational provision, especially in high/secondary schools, and racist social relations within and beyond educational institutions. These young people are unable to protect themselves against these hostile contexts of reception by gaining the resilience that comes from academic achievement. Their gang involvement should be viewed primarily as an outcome of a lack of opportunities for developing active citizenship and the social behaviours that enable meaningful participation and engagement in mainstream society (sections 2.2 and 5.1).

Social and educational strategies for dealing with migrant-background youth anti-social behaviour should address youth risk and protective factors reflected in the "strain" and "cultural conflict" policy models. This approach views the experiences of these youth *within* Australia as the primary explanation for their behaviour. Indeed, the Inquiry's focus on improving settlement services assumes this perspective.

Australia needs to take a proactive approach to addressing and preventing gang activity involvement by migrant-background youth through a national adolescent safeguarding strategy. As demonstrated by best practice models here and overseas, this approach must be a comprehensive, extend to early teens, and focus on:

i. **intervention strategies** for youth already involved in the justice system;
ii. targeted **prevention (early intervention)** strategies for youth exhibiting anti-social behaviour and/or at risk of involvement in gang activity and
iii. targeted **community engagement** strategies promoting positive social and civic engagement for all youth.

These strategies need to be complemented within the education system by *targeted education and training engagement strategies* that (re)engage at-risk youth in learning success in educational facilities (schools and/or TAFE Institutes) that are equipped to offer the kind of education we have described in section 4.4. Such an approach requires the commitment by all the participants identified in the *National Settlement Framework*, with leadership coming from Commonwealth and State/Territory Governments.

Our recommendations follow.

See next page

[401] http://www.dailytelegraph.com.au/news/funds-to-fight-lure-of-apex-gang-for-young-pacific-islanders/news-story/4ae0968305c1ff530ee88d51528cd7fa

18. ACTA recommends that, in pursuing this Inquiry, the JSCM:

i. direct its attention to:
   a. what has been clearly established in research and government reports about alienated migrant-background youth
   b. the specific factors that have blocked systematic implementation of previous recommendations directed towards averting their anti-social behaviour
   c. make recommendations that tackle the blockages in implementing proven strategies that reduce and prevent anti-social behaviour by migrant-background youth

ii. frame its discussion of anti-social behaviour by migrant-background youth in the context of factors that apply to the Australian population in general and adolescent development in particular

iii. investigate:
   a. the ages, settlement, family and schooling histories of the Sudanese youth involved in gang activity to verify the nature of the group and the reasons for their involvement in gang activity.
   b. past community and police responses to migrant youth gang activity to identify best practice prevention and intervention approaches.
   c. the particular set of conditions that gave rise to "Apex" gang activity in Victoria and use findings to inform development of effective youth policy and program.

19. ACTA recommends that the JSCM reject the proposition that the character test provisions of the Migration Act 1958 **be used as a means of addressing migrant-background youth anti-social behaviour and gang activity** or be amended to allow deportation of minors with criminal convictions.

20. ACTA recommends that the JSCM develop recommendations to COAG regarding the development and implementation of:

i. **a targeted education and training engagement strategy** to address the social and academic causes of educational disengagement of migrant youth that focuses on review, rejuvenation and strengthening of anti-bullying/racism and EAL/D language and literacy support programs in schools and TAFE Institutes.

ii. a comprehensive **national adolescent "safeguarding" strategy** to help government departments and community organisations better address and prevent anti-social behaviour and gang activity involvement by migrant-background youth which includes:
   a. **intervention strategies** for youth already involved in the justice system;
   b. **prevention (early intervention) strategies** for youth exhibiting anti-social behaviour and/or at risk of involvement in gang activity
   c. **community engagement strategies** promoting positive social and civic engagement for all youth.

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8. Postscript and Conclusion

As ACTA was finalising this submission, the Government announced its intention to strengthen the test for citizenship.[402] Our concluding remarks are made in the context of this announcement.

Informing ACTA's submission are the findings from a comprehensive, statistically based study in 2011 on behalf of the then Department of Immigration. These findings are the basis of our argument that **government/system/administrative perspectives** on the factors that make for successful settlement outcomes should be distinguished from factors that **migrants themselves** say contribute to their sense of belonging in this country.[403] We have also argued that both perspectives are valid and each complements the other. Ignoring either perspective makes it more difficult – in fact, impossible – to achieve the settlement goals of *both* governments and settlers. For example, research has shown that success in learning another language – and what motivates the learner to work towards success – depends critically on the learner's interlocutors and whether he/she feels accepted by the host community, what we called earlier "contexts of reception" (section 2.2).[404] Likewise, research is clear that a major risk factor in youth antisocial behaviour and gang activity is *anomie* or alienation, that is, a sense of disconnection from mainstream society and the search for belonging with others who are similarly alienated (section 7.2). In both cases, government regulation or penalties will be ineffective if the context for English learning and connecting with the mainstream society is unfavourable, hostile or punitive – in fact, they increase the settlers' sense of disconnection.

The Government's Discussion Paper on the new citizenship requirements opens with the statement that "Australia is a proud immigration nation".[405] As ACTA's submission to this Inquiry has documented, we have come a long way to achieve this goal, not least in English language provision. Among the things that should give Australians pride is our world leadership in research, curriculum, teaching materials, assessment frameworks and pedagogical techniques in teaching English. There are no better exemplars *anywhere* of outstanding programs for adult migrants, and migrant-background adolescents and children (section 4, Appendices A-C).

This wealth of resources offers a sound basis for ensuring that almost all newcomers to this country could achieve reasonable levels of English proficiency. The barrier to achieving this goal is not a lack of knowledge or good practice.

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[402] Our submission is summarised section by section in the Executive Summary.
[403] https://www.dss.gov.au/sites/default/files/documents/01_2014/settlement-outcomes-new-arrival_access.pdf pp. 12-17.
[404] Fozdar, F & L. Hartley (2012) Refugees in Western Australia: Settlement and Integration. University of Western Australia: Metropolitan Migrant Resource Centre. p. 11.
See also, for example, Yates, L. et al. (2015). Adult Migrant English Program (AMEP). Longitudinal Study 2011-2014: Final Report. Sydney: Macquarie University, Department of Linguistics, pp. 114 ff. http://www.mq.edu.au/about_us/faculties_and_departments/faculty_of_human_sciences/linguistics/linguistics_research/a-z_research_list/adult_migrant_english_program_longitudinal_study/
Norton, B. (2013). Identity and language learning: Extending the conversation. (2nd Edition). Bristol: Multilingual Matters.
[405] https://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/citizenship-paper.pdf

Migrants' unwillingness to learn English is also not a barrier. As we have detailed in this submission, all available evidence points to their desire – if not desperation – to learn the language (sections 2.4, 3.6.1, 4.4.4, 5.4).[406]

The decisive barrier to learning English is ***lack of access across the full spectrum of provision.*** As we have documented in this submission:

- **Infants** from refugee and migrant families have significantly less access to Early Childhood Education & Care (ECEC) than the rest of the population because of lack of information to families, ECEC centres that are culturally and linguistically alien, parental inability to pay, and lack of support and ECEC facilities for mothers/carers seeking to upgrade their skills (including in English) or gain employment (section 3.3).
- English provision for **school-age new arrivals and those in the five year settlement phase** is steadily being eroded and students are rapidly losing access to the specialist English language tuition they need (section 3.4.5); further, there is currently no way of knowing how much Commonwealth funding designated to assist these students' English language learning is being diverted to other purposes, and no national data exist to determine which students need this support (sections 2.4 and 3.4.4).
- English provision for **adult migrants** is currently disjointed, incoherent and characterised by blocked pathways and inconsistent, counter-productive eligibility requirements (sections 3.5.2 and 3.5.3); provision is regularly disrupted when new contracts are decided (sections 3.5.5 and 3.6.4);[407] competition among providers makes long-term planning and cooperation impossible (section 3.5.5); data collection is flawed and inadequate (section 6.3)
- **Refugee youth with highly disrupted/minimal/no previous schooling** are being enrolled in schools which cannot adequately assist them, and are often placed in mainstream classes, where they have no chance of succeeding (sections 3.4.5 and 3.6.1). Meanwhile, 15-17 year olds are mostly blocked from enrolling in the Special Preparatory Program within the AMEP, which means that AMEP Centres have insufficient numbers to create special-purpose youth classes even though they are otherwise well placed to develop them (section 3.6.3).
- **A comprehensive and exemplary program for refugee youth** with integrated pathways and other sporting and socially integrating opportunities covering almost half of Melbourne, including the centre of the gang activity that concerns this Inquiry, **has just been terminated** by the new round of AMEP contracts announced in April 2017 (sections 3.6.4 and 4.4.4).[408]

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[406] See also Yates, L. et al (2015) ibid.
[407] Re the latest award of contracts, see:
http://www.ntnews.com.au/news/northern-territory/30-jobs-under-threat-at-charles-darwin-university-after-loss-of-contract/news-story/4e3106989e99a1ef2ed8fbece65b1d4f
http://www.heraldsun.com.au/news/ames-australia-job-losses-expected-after-government-contract-switch/news-story/5d4548b313b54af1b2cc73dda241c4ec
http://www.illawarramercury.com.au/story/4634255/why-more-tafe-cuts-minister/
[408] https://www.education.gov.au/amep-and-see-2017-tender-outcomes-0

Depicting migrants and their children as responsible for their inadequate English is clearly victim-blaming. It might well be considered a convenient distraction from these inadequacies in English language provision.

The undermining of specialist English language provision is an unintended outcome of two policies and associated commitments that have nothing to do with English, migrant settlement or preventing migrant-background youth alienation. These outcomes are no less devastating for being unintended.

First, as we have documented extensively in section 3.4, the devolution of budgets and decision-making to schools is residualising English as an Additional Language/Dialect (EAL/D) provision for migrant and refugee children. This provision now relies on one-line budget allocations, distributed according to individual principals' knowledge, priorities and ability to rise above the micro-politics of their school. ACTA members report consequent widespread downgrading or disappearance of EAL/D programs. At the same time some schools enrol numbers of EAL/D learners because of the financial incentives that attach to taking them, but clearly lack the programs to support them (section 3.4.5).

Second, those responsible for the AMEP and the SEE Program in the Commonwealth Department of Education and Employment have a policy focus on labour-market programs. This focus is coupled with an ideological commitment to a particularly destructive version of competitive contracting and narrowly focussed compliance priorities (section 3.5.5). Both fly in the face of current risk management approaches.[409] Together they have resulted in a Departmental culture that demonstrates a profound disregard for what is entailed in adult English language learning, for why stability and professional expertise are essential to coherent quality provision, and for the recommendations of independent tax-payer funded reviews of these two programs (sections 3.5.2, 3.5.3, 3.5.4, 3.5.5 and 3.6.4).

The unintended effects of these policies and commitments must be confronted and reversed if English language provision – a keystone of settlement programs for migrants and their families – is to counter on-going fragmentation, ineffectiveness and incoherence.

ACTA is in accord with numerous other reports, most recently the 2017 report of the Centre for Policy Development, in recommending more extensive English language provision for adult migrants.[410] As we have documented, English classes make a significant difference to improvements in English, learning about living in Australia, and feelings of connectedness (section 5.1 and 6.5).[411]

However, we do not endorse extending the length of AMEP entitlements *per se* and oppose further *ad hoc* changes to this program, as we made clear in sections 3.5.2 and 3.5.3. Rather, we recommend an overall review of English language provision for adult migrants at all proficiency levels and in all settlement-directed visa classes, as well as movement towards a

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[409] https://docs.education.gov.au/system/files/doc/other/see-amep_alignment_report.pdf p. 32.
[410] https://cpd.org.au/2017/02/settlingbetter
[411] ibid. pp. 15-16.
See also the ACIL Allen Review of the AMEP and SEE Program:
https://docs.education.gov.au/system/files/doc/other/amep_evalution_report_-_for_public_release.pdf Chapter 5
https://docs.education.gov.au/system/files/doc/other/see_programme_evaluation_report.pdf Chapter 5.

needs-based system (section 4.3.1), as recommended by the Centre for Policy Development, who have also demonstrated the substantive economic gains to be made by this system.[412] Based on evidence of the successful employment outcomes of such courses (sections 4.3.2 and 5.2), we believe short settlement courses should also be offered to those at higher levels (section 4.3.1).

Especially given the current state of English language provision for adults and in schools, imposing English language requirements on those seeking citizenship can only be seen as cynical and dishonest. Worse, it is both counter-productive and manifestly anti-democratic. The required level is higher than that required to gain a visa to study at an Australian university or can be achieved by anyone exiting the AMEP or the SEE Program. It will disenfranchise those with poor literacy, and many refugees, women and children born overseas (section 5.4). As such, it is contrary to the ethical principles adopted by the International Language Testing Association (section 5.4). It will aggravate known risk factors for youth antisocial behaviour and gang membership (section 7). It will have precisely the opposite effect to the stated intention of strengthening migrant integration in Australia.

In this particularly fraught context, ACTA welcomes the Inquiry's ambitious Terms of Reference. A focus on settlement outcomes across the board will, we hope, provide a more considered and comprehensive vision than is currently canvassed. A good foundation for improving these outcomes exists in the *National Settlement Framework* and its *Outcomes Standards*.

In this submission, we have sought to present evidence from the wealth of research and documented best practice on English language provision. This evidence and our members' input are the basis of our recommendations. We sincerely hope that the Inquiry will look to the evidence, and, if so, its findings will inform future government policies. In particular, ACTA hopes our detailed presentation of the current state of English language provision in Australia will be found useful.

We thank the Committee for allowing us to contribute to their work.

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[412] https://cpd.org.au/2017/02/settlingbetter p. 29.

Appendix A:
Some Exemplars of Resources for EAL/D Assessment

1. The ESL Bandscales[413] were developed in 1993 by the National Language and Literacy Institute of Australia to enable teachers to assess the amount and kind of language and learning support needed to enable EAL/D learners to access the curriculum across all learning areas. The Bandscales describe typical EAL/D learning pathways in listening and speaking, reading, writing. Descriptors were informed by second language learning research and EAL/D teacher expertise.

2. The ESL Scales[414] were developed in 1994 as an outcomes-based English language proficiency measure as part of the National Profile and Outcomes Project under the National Collaborative Curriculum and Assessment Project. The *ESL Scales* describe levels of English language achievement in strands: Oral Interaction, Reading and Responding and Writing, each unpacked into sub-strands: Communication, Language and Cultural Understanding, Language Structures and Features, and Strategies. Development was informed by research on second language and literacy acquisition, language testing, and EAL/D teacher expertise.

3. English as a second language (ESL) Companion to the Victorian Essential Learning Standards (VELS)[415] is a framework for assessing student achievement and developing effective learning programs for students in Victorian schools who are learning English as a second language. Developed by Victorian Department of Education and Training, the Companion was informed by the *ESL Scales*. The *ESL Companion* provides an overview of the broad stages of English language development; an outline of the major components of ESL curriculum, and a set of standards describing the expectations for ESL learners. Teachers use the ESL standards to assist them when assessing and planning English language learning programs for ESL students.

4. The EAL/D Developmental Continuum P–10[416] was developed by the Victorian Department of Education and Training to assist teachers to identify students' current stage of English language development for reporting and teaching purposes. The *EAL/D Developmental Continuum P–10* is structured around the stages of the *EAL/D Companion* to the *Australian Curriculum in Victoria* (AusVELS)[417] and provides:

i. indicators of progress – detailed descriptions of how students at the end of each stage typically use and learn English
ii. progression profiles – "nutshell" statements, describing typical English at the beginning of each Stage and as learners progress through the Stage.

[413] http://trove.nla.gov.au/work/35221656?selectedversion=NBD42464805
[414] https://books.google.com.au/books/about/ESL_Scales.html?id=4WAxy94FQN0C
[415] http://www.vcaa.vic.edu.au/Documents/viccurric/eal/EAL/D_companion_to_AusVELS.pdf
[416] http://www.education.vic.gov.au/school/teachers/teachingresources/diversity/eal/continuum/Pages/default.aspx
[417] http://ausvels.vcaa.vic.edu.au/

5. Bandscales for Aboriginal and Torres Strait Islander Learners[418] were adapted from the *ESL Bandscales* by Education Queensland between 1999-2002 to assist teachers in monitoring the English language development of Aboriginal and Torres Strait Islander students in reading, writing, listening and speaking in Junior and Middle Primary school and Middle Schooling.

6. The EAL/D Progress Map[419] is a planning, monitoring and assessment tool developed by the Western Australian Department of Education for K–12 students from culturally and linguistically diverse backgrounds arriving from overseas or born in Australia, and Aboriginal and Torres Strait Islander students, who require support in developing Standard Australian English. Informed by current research into additional language/dialect acquisition, the *EAL/D Progress Map* acknowledges that EAL/D students develop Standard Australian English along different pathways at varied rates, and is organised through phases in English language development: Beginning, Emerging, Developing and Consolidating.

7. The ACARA EAL/D Learning Progression[420] was developed as part of the Australian Curriculum to support non-specialist teachers to understand the broad phases of English language learning, monitor EAL/D students' English development, and inform teaching and learning. Developed by ACARA in 2011 with input from content experts across jurisdictions and academia, the instrument was informed by national tools, the *ESL Scales* and *ESL Bandscales*, as well as State EAL/D assessment tools (see above).

The framework describes the development of English language typical of students learning English as an additional language or dialect (EAL/D) It provides broad descriptions of the characteristics of learner groups for **different age cohorts** (Kindergarten-Year 2, Years 3-6, Years 7-10) in **four phases of English language learning**: Beginning, Emerging, Developing and Consolidating. More detailed descriptors are provided for each of the **four modes of language** (listening, speaking, reading and writing). It has the potential to be implemented nationally as a broad measure of English language proficiency.

8. The Language and Literacy Levels across the Australian Curriculum: EALD Students (2014)[421] was developed by the South Australian Department of Education and Child Development. It describes the development of Standard Australian English required to meet the increasing demands of the Australian Curriculum across the years of schooling from Foundation (Reception) to Year 10. It is primarily an assessment, monitoring and reporting document for all teachers, which can also be used to inform programming and planning.

[418] http://education.qld.gov.au/students/evaluation/monitoring/bandscales/
[419] http://www.det.wa.edu.au/curriculumsupport/eald/detcms/navigation/assessment-and-reporting/eal-d-progress-map/
[420] https://acaraweb.blob.core.windows.net/resources/EAL/D_D_Learning_Progression_Foundation_to_Year_10_09052014_file_2.pdf
[421] https://www.sace.sa.edu.au/documents/652891/3606011/Language+and+literacy+levels+across+the+Australian+Curriculum.pdf/d3d1d16e-4c73-4345-9e5b-5b51fe977418; https://www.decd.sa.gov.au/sites/g/files/net691/f/language-and-literacy-levels-eald-levels-1-6.pdf; https://www.decd.sa.gov.au/sites/g/files/net691/f/language-and-literacy-levels-eald-levels-7-10.pdf

9. Tools to Enhance Assessment Literacy (TEAL) for teachers of English as an additional language[422] is an e-based toolkit designed to support pedagogically sound and useful assessment of EAL/D student progress and provide reliable data to inform teaching and learning, planning and resource allocation for primary and secondary schools in Victoria with potential for broader use by other jurisdictions. Commissioned and funded by the Victorian Department of Education and Early Childhood Development (DEECD), in partnership with the Catholic Education Commission, Victoria (CECV) and Independent Schools, Victoria (ISV), it was developed by the School of Education at the University of New South Wales 2012-2015. It includes:

i. a calibrated **item bank** of reading and vocabulary items – a computer adaptive testing (CAT) system to provide diagnostic information on students' English language and literacy development as well as information on students' level of accomplishment at the four NAPLAN assessment points in Years 3, 5, 7 and 9.
ii. a **prototype teacher-based assessment system** - collection and analysis of oral and written language samples and exemplars to provide diagnostic information on students' English language and literacy development as well as information on their level of accomplishment aligned with the VELS ESL stages. The framework includes strategies for identifying students' first language word knowledge as well as for assessing their proficiency in English language and literacy.
iii. a **web-based ESL Assessment Resource Centre** contains additional resource materials organised around the following four components:
    a. Teacher **professional learning resources** for mainstream teachers and ESL specialists with a focus on building EAL/D assessment literacy, containing assessment frameworks, principles and processes along with annotated video and text-based examples
    b. An **Assessment Tools Bank** containing a range of assessment tools and tasks organised around the four dimensions of listening and speaking, reading and writing, cross-referenced by assessment type (observation, test, analysis, etc.), VELS ESL stages and Year levels
    c. Assessment for Teaching and Learning **Exemplars** containing a selection of annotated units of work across a range of subject areas and year levels showing assessment tasks with formative feedback embedded within a teaching/learning cycle.
    d. An **Online Teacher Discussion Forum** – a private password-protected area accessible by teachers where they can share experiences, strategies and student work samples for the purposes of moderation.

The TEAL tool kit is a resource of national and international significance reflecting research and expertise in second language assessment and testing and applying standards-referenced, assessment-for-learning and item-response theoretical frameworks.

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[422] http://teal.global2.vic.edu.au/assessment-tools/common-writing-assessment-tasks/

Appendix B:
Exemplars of Best Practice in Curriculum and Materials for EAL/D Learners

1. ACARA English as an Additional Language or Dialect Teacher Resource[423] was developed to support teachers as they develop teaching and learning programs in the *Australian Curriculum: Foundation to Year 10* with EAL/D students. The Resource includes:

1. EAL/D **Overview and Advice**
2. EAL/D **Learning Progression**
3. EAL/D **Annotated Content Descriptions** for English, Mathematics, Science, History
4. **Examples of learner English** *vis-à-vis* the EAL/D Learning Progression.

The resource has been developed to:

- advise teachers about **areas of the curriculum** that EAL/D learners may find challenging and why
- assist classroom teachers to identify **where their EAL/D learners are broadly positioned on a progression** of English language learning
- help teachers understand students' **cultural and linguistic diversity**, and the ways this understanding can be used in the classroom
- provide examples of **teaching strategies** supportive of EAL/D learners
- direct teachers to **additional useful resources** for teaching EAL/D learners.

Throughout the resource, English refers to Standard Australian English.

2. The Intensive English Centre (IEC) Curriculum Framework is a language outcomes framework developed by NSW Department of Education and Training for use with newly arrived, secondary aged students whose first language is not English and who are enrolled in the IEC program. The *Framework* includes:

i. a **foundation course** divided into four Levels of study in English across Key Learning Areas (KLAs)
ii. an overview of the **Outcomes** to be taught in each Level
iii. an **Orientation to Learning** section
iv. intended student learning Outcomes referenced to the *ESL Scales*
v. **exemplar** texts, text structure, language features and grammar scope to support each Outcome
vi. **teaching components and strategies**, suggested themes, topics and experiences suitable for regular and special needs students
vii. **assessment and reporting** activities.

The four Levels of the Framework describe a language development progression from preliterate in either the student's first language or English, to an advanced level of English language and literacy study in a New Arrivals program.

[423] http://www.australiancurriculum.edu.au/studentdiversity/eal-d-teacher-resource

3. South Australian Certificate of Education (SACE) English as an Additional Language subject[424] is an English subject course for eligible Year 11 and 12 students who are learning English as an additional language in the senior years. **Stage 1** is designed to improve students' general proficiency in English through a focus on communication, comprehension, analysis, and text creation, and leads to a 20-credit Stage 2 course. The **Stage 2** course is designed to develop students' academic literacy and research skills through study of texts and language with a focus on understanding broader sociocultural and sociolinguistic aspects of English. The Stage 2 course articulates with other Stage 2 English subjects. Students apply to the SACE board for eligibility to enrol in the subject.[425]

4. ESL Steps: ESL Curriculum Framework K-6 is an *ESL Scales* referenced planning and programming aid for teachers of EAL/D students in primary schools. The Stage-based teaching guides provide a framework for EAL/D teaching with links to the NSW English K-6 syllabus.

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[424] https://www.sace.sa.edu.au/web/english-as-an-additional-language
[425] https://www.sace.sa.edu.au/web/english-as-a-second-language

Appendix C:
Some Resources for Teacher Development to Assist EAL/D learners

EAL/D Professional Standards

1. ACTA EAL/D Elaborations of the *Australian Professional Standards for Teachers*[426] interpret what the AITSL *Australian Professional Standards for Teachers* (APST) mean for teachers working with EAL/D learners at the **four APST teacher career stages**: Graduate, Proficient, Highly Accomplished and Lead teachers. For each Standard and Focus Area descriptor, the Elaborations "unpack" and illustrate appropriate actions by teachers and leaders in EAL/D settings. The Elaborations are closely aligned with the APST and specify criteria for applying the APST in EAL/D settings, directly supporting the effective use of the APST.

The *EAL/D Standards Elaborations* are used to inform:

- teacher practice and professional learning goals
- staffing considerations in addressing the needs of EAL/D learners
- whole-school practice
- pre-service teacher courses
- in-service professional learning programs
- performance management through the Australian Professional Standards for Teachers.

The *EAL/D Elaborations* were produced in accordance with advice and acknowledgement from the Australian Institute for Teaching and School Leadership (AITSL).

Professional development for teachers

2. NSW EAL/D orientation course assists teachers who are newly appointed to EAL/D positions in NSW Government schools to identify the EAL/D learner target group, organise effective EAL/D program support, become familiar with EAL/D pedagogy and tools, and learn about their roles and responsibilities in the school.

3. ESL in the Mainstream Teacher Development course was a ten module professional development program developed by the South Australian Department for Education and Child Development which was widely used in schools across the nation throughout the 1990s and was updated in the early 2000s. It proved highly successful in enhancing the qualifications and classroom practice of teachers working with students for whom English was a second language (ESL). The course incorporated group workshops and individual classroom-based action research. It was designed to enhance classroom teachers' skills and knowledge to better support their ESL students learning across the curriculum, in particular:

- greater understanding of ESL students' language related needs
- increased awareness of appropriate resources and teaching approaches
- increased awareness of the special requirements to support ESL learners
- valuing ESL students' diverse backgrounds
- good teaching practice across the curriculum.

[426] http://www.tesol.org.au/RESOURCES/Australian-Professional-Standards-for-Teachers

Trained Tutors delivered 25 hours of face-to-face learning in ten modules which, when combined with between module readings and research, is equivalent to more than 50 hours of professional development.

4. Teaching Refugees In My Classroom (TRIMC) is a 5 x 2hr module course delivered by a trained facilitator to develop K-12 classroom teachers' understanding of the educational needs of refugee students and provide effective classroom strategies and teaching support.

5. ESL Pedagogy Action Inquiry Projects applied the findings and methods of previous action research partnership projects to develop teachers' language and literacy "scaffolding" practices in culturally diverse classrooms through an annual statewide professional learning program. It involved teams of primary and secondary EAL/D and class teachers supported by regional EAL/D consultants. The program was implemented between 2003 to 2008 with 60 targeted schools and resulted in teachers' creative adoption of scaffolding pedagogy, effective design and use of teaching tools, and enhanced self-efficacy in developing evidence-based EAL/D teaching practices.

6. Leading the development of an effective whole-school EAL/D program[427] is an ATESOL NSW/University of NSW one day workshop to develop collaborative leadership skills of school EAL/D leaders in a school-based management environment. The workshop focuses on team-based development of effective whole-school EAL/D programs in areas such as data collection and analysis, student assessment, resource allocation, program design and professional learning. The workshop aims to develop participants' skills in using, and applying to their own situation, a whole-school EAL/D planning and evaluation tool to develop effective EAL/D programs and assist the school in meeting accountability requirements for EAL/D.

7. Teaching ESL students in mainstream classrooms: Language in learning across the curriculum[428] is an innovative professional development program for all teachers working with students who are learning through a language that is not their primary language. The program:

- identifies the language-related needs of ESL students and develops teaching practices that address their needs in a holistic and explicit manner
- develops teachers' awareness of how to accommodate the cultural and linguistic diversity and experiences of ESL students
- provides a positive context for teachers to trial suggested strategies and reflect critically and openly on their teaching
- shows how to develop collaborative working relationships between teachers (across subject areas) through a shared understanding of how to support ESL students.

[427] https://education.arts.unsw.edu.au/events/EAL/D/
[428] http://www.unlockingtheworld.com/programs/teaching-esl-students-in-mainstream-classrooms

8. Putting "scaffolding" to work in ESL and literacy pedagogy was an Australian Research Council funded classroom-based action research project conducted in 2001-2003 between the Multicultural Programs Unit, Department of Education and Training, and the University of Technology, Sydney. The project identified the nature and effects of scaffolding pedagogy for EAL/D learners in primary and secondary mainstream classrooms. Research findings from the project were used to inform subsequent professional development for EAL/D and class teachers.[429]

9. Investigating challenging pedagogy for ESL students was an Australian Research Council funded classroom-based action research project conducted in 2005-2007 between the Multicultural Programs Unit, Department of Education and Training, and the University of Technology, Sydney. The project identified high challenge/high support pedagogy for EAL/D learners in primary and secondary mainstream classrooms. Research findings from the project were used to inform subsequent professional development for EAL/D and class teachers. [430]

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[429] http://www.ameprc.mq.edu.au/docs/prospect_journal/volume_20_no_1/20_1_1_Hammond.pdf
http://ro.ecu.edu.au/cgi/viewcontent.cgi?article=2287&context=ajte
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https://eric.ed.gov/?id=ED456447
[430] https://www.alea.edu.au/documents/item/551