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Submission Inquiry into **Migrant Settlement Outcomes**

**ABOUT CARA:**

CARA aims to promote awareness on the current horrific situation and exodus across the Central American region. CARA is managed by online-ONLY volunteers with disabilities that donate their time and professional skills to assist the online community. CARA wants to promote a holistic online self- advocacy approach.

**Cover Page**

**Date** 30<sup>th</sup> of January 2017

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**Location:** CARA is located throughout Australia but mainly in Melbourne, Victoria.

## **Submission Brief Summary**

This submission to the inquiry for Migrant Settlement Outcomes focuses on two terms and references. The importance of English language ability on migrant settlement outcomes. Youth migrants' anti-social behavior such as gang activity. Adequacy of the *Migration Act 1958* character test provisions as a means to address issues arising from this behavior. CARA tries to provide a list of recommendations for both term references with advantages and disadvantages. The submission discusses in great detail the influence Central American humanitarian applicants would contribute to gang activity in Australia. Resettled migrants should treat learning English as a tool of empowerment not a mandatory assignment to achieve settlement outcomes.

## **Terms and Reference 1:** **The importance of English language ability on migrant settlement outcomes**

The English language in Australia is the main vehicle of communication for any person living in Australia. The requirement of understanding and using the English language is vital to prosper and navigate the challenges of securing a job and accessing services in Australian settlement outcomes. A number of migrants view learning English as a mandatory assignment instead of a tool of empowerment and survival skill. In January 2017 The Department of Immigration and Border Protection (DIBP) outlined that new Australians and migrants have to, “abide by our laws, take up English, educate their children, work hard or even start businesses”<sup>1</sup> for Australia. New humanitarian Australians and in particularly incoming refugees and asylum seekers have the hardest challenge to learn English as another mother language. In comparison to people with Graduate Temporary Subclass 485 and Temporary Work (Skilled) subclass 457 visas who are required to meet International English Language Test System (IELTS) standards before entering Australia. Refugees and asylums seekers’ personal circumstances, cultural background, social status, “mental and physical health conditions”<sup>2</sup> make it more than difficult to learn English.

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<sup>1</sup> Immigration and Border Protection, ‘Migration must work for Australia and migrants alike’ (Media Release, 19 January 2017) <<http://www.minister.border.gov.au/peterdutton/Pages/Media-.Releases.aspx#>>

<sup>2</sup> Ernst& Young Global Limited, *Evaluation of Humanitarian Settlement Services and Complex Case Support programmes*, Discussion Paper (June 2015)

<[https://www.dss.gov.au/sites/default/files/documents/11\\_2015/evaluation\\_of\\_the\\_humanitarian\\_settlement\\_services\\_and\\_complex\\_case\\_support\\_programmes\\_-\\_final\\_report\\_0.pdf](https://www.dss.gov.au/sites/default/files/documents/11_2015/evaluation_of_the_humanitarian_settlement_services_and_complex_case_support_programmes_-_final_report_0.pdf)>

For most Australian humanitarian refugees and asylum seekers learning English in hindsight means “losing their own culture and language”<sup>3</sup>. The fear of needing to replace one culture and language with another unfortunately creates a barrier for Humanitarian Settlement Services (HSS) and Complex Case Support Program (CCS). Case officers from the HSS and CCS have the great challenge to help humanitarian arrivals to overcome, the fear of giving up home-country cultures. The desperation to be save from their horrific persecution and gross discrimination makes humanitarian migrants want to least retain their first language as the only positive reminder from their home-country Therefore, many humanitarian arrivals from all ages find it hard to see the English language as a tool of expression and empowerment. For other refugees and asylum seekers the main problem is fear of criticism and ill-treated because of their strong accent when speaking. Humanitarian arrivals feel ashamed to speak English as they compare themselves to other migrants or locals. One real case example is a permanent resident who the DIBP recommended to apply for his citizenship in 2017. Sadly, because of his lack of English and “physical and mental health”<sup>4</sup> affected by war traumas is unable to take up English entirely. has no family support and learning English for is seen as a mandatory assignment. As a result, is unable to overcome life controlling issues such as language limitation and war traumas.

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<sup>3</sup> Multicultural Youth Advocacy Network (Australia) and Refugee Council of Australia, *SPEAKING UP: The Global Refugee Youth Consultations in Australia Report*, Report, November 2016, <[http://www.myan.org.au/file/file/GRYC%20Report\\_NOV2016.pdf](http://www.myan.org.au/file/file/GRYC%20Report_NOV2016.pdf) >.

<sup>4</sup> Settlement Council of Australia ‘Inquiry into Migrant Settlement Outcomes – Briefing Paper’ Brief, 15 December 2016 <<http://www.scoa.org.au/resources/Inquiry%20into%20Migrant%20Settlement%20Outcomes%20Key%20Messages%20Dec2016.pdf> >

Refugees and asylum seekers like [redacted] are unable to express their “strong desire to “give back” and to make the most of their new lives in Australia.”<sup>5</sup> Therefore, learning English needs to be describe to new humanitarian migrants as a skill to survive. For humanitarian arrivals the issue of “family still overseas in unsafe circumstances, can be the most pervasive source of emotional distress”<sup>6</sup>. This is due to many humanitarian family reunification applications delayed or seen as a low priority. Humanitarian arrival are unable to dissolve and encapsulate the English language because their first language is the only positive memory with left behind relatives. For instance, Central American applications such as [redacted] continue to be refused due to low-priority allocation and few or no offshore processing centres to help humanitarian case officers. The Special Humanitarian Processing Centre policymaker on the 30<sup>th</sup> of January, 2017 informed Jose’s family that their family unification “likely to be refused” again no matter how much evidence or national security evidence is provided. [redacted] family are unable to reach settlement outcome, due to their never-ending concern for their family in Central America.

## **Recommendations**

### **Recommendation 1: Stronger family reunion for national security purposes**

**Advantage:** Humanitarian and settlement case officers and policymakers can provide a wider local-community support framework to help incoming humanitarian arrivals address the fear of forgetting and replacing birth language with English.

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<sup>5</sup> Ibid

<sup>6</sup> Multicultural Youth Advocacy Network (Australia), National Youth Settlement Framework: Young people from migrant and refugee backgrounds in Australia’ Report March 2016, <  
<http://myan.org.au/file/file/Youth%20Settlement%20Framework%2031%20March%202016.pdf>>.

Family reunions can help with the “process of settlement”<sup>7</sup> such as learning English and building a resilient attitude to meet settlement outcomes. Increasing family participation would provide great relief to settlement officers.

**Disadvantage:** Not all humanitarian arrivals have relatives in Australia. The creation of Australian de facto family members like parents, spouse, children and siblings.

Australian relatives would greatly help young and unaccompanied minors to establish a solid bond with Australia.

**Recommendation 2: Make family unification a humanitarian priority in settlement outcomes for certain humanitarian migrant cases**

**Advantage:** Further, support case settlement officers and settlement organisations.

Family members would encourage new humanitarian arrivals to embrace English as tool of empowerment.

**Disadvantage:** Making family unification a humanitarian priority settlement outcome requires the IDBP policymakers to evolve the current region priority policy in the *Migration Act 1958* and *Migration Regulations 1994*.

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<sup>7</sup> Ibid

## **Terms and Reference 2:**

### **Youth migrants' anti-social behavior such as gang activity and Migration character test provisions**

Youth migrants in Australia carry the demanding responsibility to grow with a vast amount of horrific experiences. For instance, witnesses to family getting killed, leaving relative and friends behind, targeted because of their age, gender or religious beliefs, child soldiers and sex slaves as well as other indescribable traumas. Children of 4 to 12 and adolescence of 13 to 19 have to relive their personal experiences through the settlement process when arriving in Australia. Australian settlement officers and support organisations do a remarkable job in most youth humanitarian migrant cases. One real life case example is 2017 Australian of Year finalist Deng Thiak Adut. At the age of 6 years old Deng Thiak Adut was forcibly converted into a child foot-soldier and taken away from his mother to fight in the 1983 – 2005 Sudan war. Since resettling in Australia, “Deng’s life journey has taken him from an illiterate child soldier to a criminal lawyer making a difference in Western Sydney.”<sup>8</sup> Deng’s life story is a wonderful example of true achievement and of an Australian resilient attitude. Although not all youth migrant cases have a happy or positive ending as some take up anti-social behavior such as gang activity. Migrants in their childhood and adolescent have to overcome “youth trauma foreign seeds” compared to local Australian youth.

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<sup>8</sup> Australian of the Year Awards, ‘Australian Of The Year Awards’ (25 January 2017) Australian of Year Awards < <http://www.australianoftheyear.org.au/honour-roll/?view=fullView&recipientID=1772>>.

Youth trauma foreign seeds are the memories and experiences that humanitarian youth migrants retain from their birth country and region. Youth migrants resettle in Australia with an initial stateless frame of mind due to war traumas and personal persecutions. At the crucial time of “identity formation”<sup>9</sup> and when young people are exploring “what kind of adults”<sup>10</sup> they want to become. Youth migrants capacity to socially engage in positive activities and pathways is greatly affected by, “difficulty adjusting to formal education if students have no past experience of such education”<sup>11</sup>. In addition, the lack of family reunion options helps other individuals such as gang and youth extremist followers exploit youth migrants trauma foreign seeds. To convince youth migrants to engage in gang and extremist activities once resettled in Australia. Therefore, a child and adolescent gatekeeper system should be introduced. So that, youth migrants are protected from gang activities and youth extremist recruiters. A child and adolescent gatekeeper and security system would help settlement officers, youth social workers and volunteers have a specific framework to use. New humanitarian youth migrants fear and see police, settlement officers and legal authorities as untrustworthy and incapable of understanding their emotional suffering. This negative image from youth migrants comes from their personal persecution experience. For example, when seeking police protection without support or getting betrayed by executive decision-making officers. Increase police participation in Australian settlement outcomes to ensure new migrants understand their Australian duties law as an Australian.

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<sup>9</sup> Multicultural Youth Advocacy Network (Australia) and Refugee Council of Australia, above n 6, 11

<sup>10</sup> Victoria, Department of Education and Early Childhood Development, Refugee Status Report: A report on how refugee children and young people in Victoria are faring (2011) <  
<https://www.eduweb.vic.gov.au/edulibrary/public/govrel/Policy/children/refugee-status-report.pdf>>.

<sup>11</sup> Multicultural Youth Advocacy Network (Australia) and Refugee Council of Australia, above n , 35

## Recommendations

### Character Test

The character test requirement for humanitarian subclass visas outlined in section 5 (c) of the *Migration Act 1958* only assess criminal and background check ups from a historical point of view. No assessment is made for “character concerns”<sup>12</sup> that could arise in the 5 or more years after resettlement. The issue of gang activities starts to appear after arriving in Australia when youth migrants are seeking to establish themselves into Australian society. The *Migration Regulations 1994* state that decision making solely rests on Migration delegated case officers. Humanitarian case officers have the hard task to consider under compelling enough circumstances if , “there is nothing to indicate that the person would fail to satisfy ”<sup>13</sup> the character test. Settlement officers should seek the support of former humanitarian youth migrants who would have unique experiences and knowledge, and are best placed to articulate and identify anti-social behaviour that leads to gang activities. For example, Central American youth migrants have wide personal experiences with extreme transnational gang activities. One positive step to improving the character test is to include a future character test component specifically for youth resettled migrants aged between 5 to 25 years old. Youth migrants from 5 to 25 age group are at the highest risk of gang recruitment. Settlement and complex case officers with supporting former humanitarian youth migrants would conduct this future character test component. To measure a youth migrant’s state of mind and personal development.

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<sup>12</sup> *Migration Act 1958* (Cth) s 5 (c)

<sup>13</sup> *Migration Regulation 1994* (Cth) regs 4001 (b)

**Recommendation 1: Change humanitarian regional priority to best and fair individual case priority for Australian national security control**

**Advantage:** Migration and settlement-delegated officers would have more control over character tests from the humanitarian application assessment stage even before arriving in Australia. For example, applications with full identification and police records would reduce the burden of completing humanitarian applications faster. One case example is Central American humanitarian application by [redacted] who has all her and family identification papers in order but is disregarded as a low-priority over other applications with less national security control. The IDBP create alternative ways to assess character and gather information. The IDBP should to make more use of Section 59 (2) of the *Migration Act 1958*. The Minister can “obtain information from an applicant by telephone or in any other way”. The same should be consider for the character test through a multi- applied method. For instance online video interviews and secure social media methods.

**Disadvantage:** A new amendment has to be introduce to the *Migration Act 1958* and *Migration Regulations 1994* regarding humanitarian priority allocation by the Minister to help character testing. The *Migration Regulations 1994* are up for review in the upcoming “2017/18 financial year”.<sup>14</sup> The character requirements have to be addressed sooner than the 1<sup>st</sup> of July 2017 to focus on gang activities.

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<sup>14</sup> *Migration Regulation 1994* (Cth) regs 5.44A

**Recommendation 2: Prioritise humanitarian application and settlement youth migrants with families in Australia.**

**Advantage:** Settlement officers would have a strong control of a youth migrants and new humanitarian arrivals character development in the resettlement process. A background check on family relatives living Australia can be used as a blueprint for the new incoming youth migrants.

**Disadvantage:** No all youth migrants have relatives in Australia

**Recommendation 3: Seek overseas research in countries and regions where gang activity has escalated to a transnational level such as Central America.**

**Advantage:** the Australian federal police, settlement officers and migration-delegated officers would have a greater insight on gang activity. The Central American region has been addressing the refugee youth crisis due to transnational gangs. Humanitarian Central American applicants like [redacted] would benefit Australia with her personal experience of gang gender victimisation.

**Disadvantage:** This recommendation is not possible as all Central American applications are consider low-priority with no special consideration or exceptional circumstances currently available.