



Multicultural Youth Advocacy Network Australia (MYAN)

Submission to the Inquiry into the Efficacy,
Fairness, Timeliness, and Costs of the Processing
and Granting of Visa Classes, which Provide for or
Allow for Family and Partner Reunions

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About Multicultural Youth Advocacy Network Australia (MYAN)

MYAN is the national peak body representing the rights and interests of young people from refugee and migrant backgrounds in Australia, and those who work with them. Our vision is that all young people from refugee and migrant backgrounds are supported, valued and thriving in Australia.

MYAN works in partnership with young people, government, and non-government agencies at the state and territory and national levels to ensure that the needs of young people from refugee and migrant backgrounds are recognised and addressed in policy and service delivery.

MYAN provides expert policy advice, undertakes a range of sector development activities, and supports young people to develop leadership skills. MYAN has developed the National Youth Settlement Framework to support a targeted and consistent approach to addressing the needs of newly arrived young people settling in Australia.

About this submission

MYAN welcomes the opportunity to make a submission to the *Inquiry into the Efficacy, Fairness, Timeliness, and Costs of the Processing and Granting of Visa Classes Which Provide for or allow for Family and Partner Reunions*

This submission focuses on the particular concerns and challenges faced by young people in their efforts to access family reunion, and provide a national perspective, drawing on our breadth of experience working with young people from refugee and migrant backgrounds, their communities and the youth and settlement sectors across Australia. It has a focus on the rights and interests of young people (12 to 24 year olds) from migrant and refugee backgrounds in the Australian Migration and Humanitarian Programs.

A number of considerations raised by the Terms of Reference are important issues for the young people we work with, as well as their families and communities, including: waiting times for the granting of relevant visa, cost of applying for relevant visas, the role of family reunion in the Migration Program; eligibility for and access to family reunion for people who have sought protection in Australia and the suitability and consistency of government policy settings for relevant visas with Australia's international obligations. This submission responds to the following key areas more broadly:

1. The benefits of family reunion, particularly with regard to settlement
2. The prohibitive costs
3. The lengthy waiting times
4. The narrow definition of family

5. Restrictions on family reunion for asylum seekers who arrived in Australia by boat

MYAN recognises the direct link between family reunification, wellbeing, and social cohesion, and the need to overcome legal and practical obstacles to family reunification to ensure better settlement outcomes for young people from migrant and refugee backgrounds. Broadly, MYAN recommends consideration of simplified pathways for utilising the Family stream, while ensuring support to the family members arriving in Australia under family reunification procedures.

We encourage the Committee to refer to our previous submissions and policy papers in the area of family reunion. These include:

- [Submission to the Department of Immigration and Border Protection on Introducing a Temporary Parent Visa](#)
- [Submission to Department of Home Affairs on Australia's 2021-22 Migration Program](#)

Introduction

“The family is the natural and fundamental group unit of society, and is entitled to protection by States.”¹

Family reunion remains a significant issue for young people from refugee and migrant backgrounds in Australia. Australia has a strong, positive history of refugee resettlement and a capacity to resettle those most in need. As a signatory to both the New York Declaration for Refugees and Migrants (the New York Declaration)³², and the Global Compact on Refugees (GCR)³³, Australia has committed to facilitating effective procedures and clear pathways for family reunion and ensuring flexible arrangements that assist reunification.² However, existing Australian policy on family and partner reunion make it increasingly difficult for young migrants, particularly asylum seekers and refugees, to bring their family members to Australia.

MYAN has previously supported calls for a review of current access to family reunion for young people from refugee and migrant backgrounds. This is because we believe that existing policies do not adequately support family reunion. Long wait times, prohibitive costs, and inflexible eligibility criteria significantly impedes young migrants’ access to family reunion, meaning many young people living in Australia are facing the very real prospect of permanent family separation.

Connection to family is vital to the health and wellbeing of young people, and their capacity to settle well and to become active participants in and contributors to Australian society. Despite evidence on the merits of keeping humanitarian migrant families together, there remain persistent barriers for successful family reunion in Australia. Separation, particularly for protracted lengths of time, has

¹ UNHCR (2011) *Protecting the Family: Challenges in Implementing Policy in the Resettlement Context* Annual Tripartite Consultations On Resettlement, Geneva, 20-21 June 2001

² Gardener, L. and Costello, C., (2019) *Stronger Together: The impact of family separation on refugees and humanitarian migrants in Australia*. Available at: https://www.oxfam.org.au/wp-content/uploads/2019/08/2019-AC-012-Families-Together_report_FA2-_WEB.pdf

negative economic, social, and psychological consequences for people trying to rebuild their lives in Australia, and their families, as well as broader economic and social implications.³

MYAN strongly supports a review of current Australian family and partner reunion policy to ensure that family reunification mechanisms are timely and efficient in order to reunite displaced families as early as possible and maximise the benefits of family reunion.

This submission reaffirms our previous stance on issues around family reunion, particularly for young people from refugee and asylum seeking backgrounds. It outlines the benefits of family reunion and the key barriers to family reunion under Australian law and policy, and puts forward recommendations to the Committee about how current policies could be improved.

MYAN is available to discuss this submission in further detail.

2. Young people, migration and settlement

Immigration has been a defining feature of Australia for decades, and every year migrants continue to positively contribute to the social, cultural, and economic fabric of Australia. Each year, young people aged 12-24 make up significant arrival numbers in Australia under three Migration Streams. In the 2019-2020 financial year:

- 9,474 young people received permanent visas to Australia under one of three migration streams: Humanitarian, Skilled, and Family⁴
- Young people arriving under the family stream made up 43% of all youth arrivals to Australia
- 29.5% of all humanitarian arrivals were young people.

Young people from refugee and migrant backgrounds are an incredibly diverse group, due to multiple intersecting factors including country of origin, cultural background, migration stream, socioeconomic status, gender, sexuality, faith, and age on arrival, level of English proficiency, prior education, family structures, and workforce experience.⁵

This group of young people have enormous strengths and capabilities, including broad international and cross-cultural knowledge, multilingual skills, adaptability, high educational aspirations, a desire to enjoy and uphold the rights and responsibilities of Australia's democratic processes, and a strong sense of family and community.⁶ They also play an important role in supporting the successful settlement of their families.

³ ROCA (2016) *Addressing the pain of family separation for refugee families* Available at: <https://www.refugeecouncil.org.au/wp-content/uploads/2018/12/Addressing-the-pain-of-separation-for-refugee-families.pdf>

⁴ There was a decrease in numbers from 2018-19, where 13,759 young people arrived under all three migration streams, and is reflective of the impact of COVID-19 on Australia's migration program in the last 12 months.

⁵ VicHealth, Data61, CSIRO and MYAN (2017) *Bright Futures: Spotlight on the wellbeing of young people from refugee and migrant backgrounds*. Victorian Health Promotion Foundation, Melbourne.

⁶ MYAN (2019) *Submission to the Legal and Constitutional Affairs References Committee for Inquiry into Nationhood, National Identity, and Democracy* Available at: https://www.apf.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Nationhood

2.1 Young people arriving in Australia through the Humanitarian Program

The refugee experience is defined by the *forced* nature of the migration. Young people arriving in Australia through the Humanitarian Program have been forced to flee their country of origin and have been recognised as refugees.

Young people who arrive in Australia are likely to have experienced a dangerous escape from their country of origin as well as extended periods living in unsafe and insecure environments; extreme human loss; traumatic experiences; disrupted education and disrupted family roles and relationships.⁷ They are unable to return to their country of origin and face uncertainty about the possibility of maintaining links with family and home.⁸

“I live by myself and it’s really difficult. You get emotional most of the time because you see a lot of people with their families but you feel lonely. Sometimes it makes me really frustrated. I love Australia and I feel it’s a home to me but it’s difficult to see my younger siblings who need me today. They are out there waiting for me and I can’t do anything.”

21 year old male, QLD

Due to the forced nature of the refugee experience, young people are often separated from their families through circumstance, not by choice. Compounding the trauma of family separation, upon arrival in Australia, current policies and processes mean that young humanitarian migrants can remain separated from family members for years or sometimes indefinitely.⁹ Though the Australian Government does offer opportunities for family reunion, the current barriers to successful applications are high.¹⁰

MYAN believes that it is essential to the health and wellbeing of young people that they are reunified with their parents, siblings or surviving adult relatives with the least possible delay in order to minimise further distress and avoid long-term emotional harm caused by prolonged separation.

3. The positive role of family reunion in settlement

“The refugee family is essential to the successful integration of resettled refugees”¹¹

⁷ CMY (2014) *Negotiating Adolescence in Australia*. Carlton: CMY, p. 5

⁸ Beadle (2014). *Facilitating the Transition to Employment for Refugee Young People*. Carlton: CMY

⁹ MYAN (2014) *Submission to DIAC Australia’s Humanitarian Program 2013-2014* Available at: myan.org.au

¹⁰ Gardener, L. and Costello, C., (2019) *Stronger Together: The impact of family separation on refugees and humanitarian migrants in Australia*. Available at: https://www.oxfam.org.au/wp-content/uploads/2019/08/2019-AC-012-Families-Together_report_FA2-_WEB.pdf

¹¹ UNHCR (2011) *Protecting the Family: Challenges in Implementing Policy in the Resettlement Context* Annual Tripartite Consultations On Resettlement, Geneva, 20-21 June 2001

Family reunion is an important protective factor for young people settling in Australia. Family reunification plays a significant role in meeting the long-term needs of resettled refugees, and assisting with the settlement process, including adjusting to a new culture and social framework.¹²

Parents and other key family members are a critical and valuable emotional, social, and economic support for young people during their settlement journey, strengthening the capacity of individuals to function in their new countries, facilitating their integration process and promoting social and economic self-sufficiency. Families provide an alternative safety net for young people settling in Australia, providing multiple economic and social benefits including:

- The promotion of health and wellbeing, including care for the young, the sick and the elderly¹³
- Free childcare which allows households to go from one income to two income households¹⁴
- Sharing household costs
- Support to navigate new cultural and government systems¹⁵
- Additional emotional support including disseminating values and providing counsel, advice, and spiritual guidance.
- Boosting education outcomes¹⁶
- Contribution to national Gross Domestic Product

A more flexible and expansive approach to family reunification in Australia therefore not only benefits young people from refugee backgrounds and their communities, but also the broader community by enhancing the prospects of integration and lowering social costs in the long term.¹⁷

Conversely, policies that deny or delay access to family reunion for young people from refugee backgrounds have been found to have negative psychosocial, economic, and social consequences,¹⁸ and can negatively affect young people's ability to settle successfully and participate in Australian life.

Persistent separation from family can have implications for the physical and mental health of young people, including:

- Feelings of anxiety about their family's safety; guilt that they have been left behind; and feeling responsible for the wellbeing of family overseas
- Feelings of grief and loss, often leading to depression and isolation

¹² Ibid.

¹³ Gifford, S.M. and McDonald-Wilmsen, B. (2010) *Refugee resettlement, family separation and Australia's humanitarian program*. United Nations High Commissioner for Refugees

¹⁴ Red Cross (2015) *Submission to Productivity Commission Inquiry into Migration Intake*

¹⁵ SCOA () *Issues Paper: Refugee Family Reunion* Available at: <http://www.scoa.org.au/wp-content/uploads/2017/03/SCoA-Issues-Paper-Family-Reunion-August-2016.pdf>

¹⁶ Gifford, S.M. and McDonald-Wilmsen, B. (2010) *Refugee resettlement, family separation and Australia's humanitarian program*. United Nations High Commissioner for Refugees

¹⁷ UNHCR (2011) *Protecting the Family: Challenges in Implementing Policy in the Resettlement Context* Annual Tripartite Consultations On Resettlement, Geneva, 20-21 June 2011 paraphrase

¹⁸ ROCA (2016) *Addressing the pain of family separation for refugee families* Available at: <https://www.refugeecouncil.org.au/wp-content/uploads/2018/12/Addressing-the-pain-of-separation-for-refugee-families.pdf>

- Appetite problems, sleep disturbances, and physical health issues¹⁹
- A focus on finding immediate (often low-skilled) work at the expense of foundational education (such as English Language acquisition) in order to provide remittances or apply for sponsorship²⁰
- Altered family dynamics and roles, with young people forced to take on adult responsibilities²¹

This affects their capacity for a long-term view of settlement in Australia or motivation to develop new social networks and build connections to support settlement including engagement in education, training, and employment.²²

“I am experiencing depression again after many years. It (the wait time in applying for a visa for her spouse overseas) has really impacted my mental health. It has impacted on my studies as well. I am studying in high school right now and I’m in year 12. We had to start from an English course then year 11 and now year 12 but I can’t focus and I’m thinking too much about what’s going to happen in my future and I’m not sure about any of that. It has been hard.”

24 year old female, NSW

4. Key barriers to family reunion

“Humanitarian considerations support family reunification efforts”.²³

The Family Stream of the Migration Program facilitates family reunion for families of Australian citizens, Australian permanent residents, and eligible New Zealand citizens. Visas are available for partners, children, parents and “other family” members, including aged dependent relatives, “remaining relatives”, carers and orphans. However, the high costs, documentation requirements, and extensive waiting periods exclude, and are not suitable, for many vulnerable Humanitarian entrants.²⁴

4.1 Prohibitive costs

A significant barrier to family reunion is the excessively high visa charge. Partner visas can cost up to \$10,000²⁵, and the costs of parent visas range from between \$12,000 (non-contributory) and just

¹⁹ Liddell B, Batch N, Bulnes-Diez M, Hellyer S, Kamte A, Wong J, Byrow Y, Nickerson A. (2020) *The Effects of Family Separation on Forcibly Displaced People in Australia*. Findings from a Pilot Research Project. Australian Red Cross, Carlton, Vic.

²⁰ MYAN (2014) *Submission to DIAC Australia’s Humanitarian Program 2013-2014* Available at: myan.org.au

²¹ Gardener, L. and Costello, C., (2019) *Stronger Together: The impact of family separation on refugees and humanitarian migrants in Australia*. Available at: https://www.oxfam.org.au/wp-content/uploads/2019/08/2019-AC-012-Families-Together_report_FA2- WEB.pdf

²² MYAN (2013) *Unaccompanied Humanitarian Minors (UHMs) in Australia: an overview of national support arrangements and key emerging issues*, p.12. Available at myan.org.au

²³ UNHCR (2011) *Protecting the Family: Challenges in Implementing Policy in the Resettlement Context* Annual Tripartite Consultations On Resettlement, Geneva, 20-21 June 2001

²⁴ Gardener, L. and Costello, C., (2019) *Stronger Together: The impact of family separation on refugees and humanitarian migrants in Australia*. Available at: https://www.oxfam.org.au/wp-content/uploads/2019/08/2019-AC-012-Families-Together_report_FA2- WEB.pdf

²⁵ Ibid.

under \$100,000 (contributory) for both parents.²⁶ The restrictive visa charges for the family stream effectively make family reunion possible only for the financially well off.

The significant cost of family visa applications is a financial barrier that is particularly acute for newly arrived young people. Young people are often at significant financial disadvantage soon after arrival in Australia, often having disrupted education, limited employment history, few possessions, and no savings. This insecurity can be exacerbated by continuing to remit money to support family members overseas, money that could be redirected back into the Australian economy.²⁷

“The costs were definitely difficult, especially where if you get rejected you don't get any money back.

The initial visa was more than \$2300 and then the appeal cost up to \$6000 due to lawyer fees and appeal application. It cost my family over \$6000 and further caused stress on my mental health. I was not given an estimate on times, but on the website it vaguely describes the wait time of over another 600 days with yet again no correspondence from the tribunal throughout the process.”

21 year old female, NSW

For many newly arrived young people, who are often still studying, preparing to enter the labour market or are in entry-level or early career roles, these costs are simply out of reach. For those who manage to meet these financial requirements, there is the potential that they over-stretch, desperate to reunite with their families, resulting in a long-term burden and risk of debt for young people who are only just starting out their new lives in Australia.

The high costs are partly founded on the idea that parents are likely to present an economic burden to the State, because they are unlikely to make economic and fiscal contributions to the nation over their life.²⁸ This assumption ignores the reality that many parents of young people from refugee and migrant backgrounds are of working age and would contribute many years of their working life in Australia.

Recent research undertaken by Oxfam Australia and Deloitte Australia indicates that family reunion presents a valuable opportunity to meet growing Australian labour force needs in key expanding sectors, like health and aged care. The research indicates that these positive economic impacts increase over time, particularly as humanitarian migrants settle into life in Australia, complete education or retraining, and enter the labour force.²⁹

Family reunion should not be viewed solely as a deficit. Viewing parents solely through a lens of economic burden ignores the range of other positive contributions they will make. The current costs associated with family and partner reunion effectively create a two-tiered system that favours those who are financially well off.

²⁶ ROCA (2016) *Addressing the pain of family separation for refugee families* Available at: <https://www.refugeecouncil.org.au/wp-content/uploads/2018/12/Addressing-the-pain-of-separation-for-refugee-families.pdf>

²⁷ MYAN (2016) *Submission to DIAC Australia's Humanitarian Program 2016-2017* Available at: myan.org.au

²⁸ Productivity Commission (2016) *Migrant intake into Australia* Inquiry report 77, 13 April 2016

²⁹ Gardener, L. and Costello, C., (2019) *Stronger Together: The impact of family separation on refugees and humanitarian migrants in Australia*. Available at: https://www.oxfam.org.au/wp-content/uploads/2019/08/2019-AC-012-Families-Together_report_FA2-_WEB.pdf

*We recommend the introduction of means testing to alleviate the inequity of the current system, allow for more flexible family reunion options for all young people, and increase Australia's capacity to reap significant long-term economic benefits via an equitable family reunion system.*³⁰

4.2 Difficulties in meeting evidentiary requirements for documents.

The documents required for visa applications, including birth certificates, documents showing dependency, or death certificates may never have existed in the country of origin or may have been lost or destroyed due to the forced migration process or may be impossible to acquire without returning to home countries and placing themselves or their family members in danger. For refugees displaced in other countries, without formal status, documents such as police clearances are likely unobtainable.³¹

"The policies in Afghanistan have changed so you need to do a biometric check as well-but they don't have the biometric check available in Kabul, Afghanistan so he has got to travel to Pakistan to do that, which is hard."

24 year old female, NSW

We understand that alternative evidentiary documentation can be considered on a case-by-case basis; however, *we recommend that formal processes be introduced to accommodate the provision of alternative documentation to ensure clear and consistent application of this process.*

4.2 Extensive wait times

"The process is really slow...you have to wait and wait. It's been 4 months since I've heard anything and I'm not sure what's going on. It's been two years since I started the application process."

21 year old male, QLD

The Contributory Parent Visa has a wait time of between two to four years for processing, however the Non Contributory Parent Visa (which has lower-but still prohibitive- fees) has an estimated wait time of approximately 30 years for processing. This means most Non Contributory Parent Visa applicants have very little chance of being accepted within the applicant's lifetime, making family reunion largely impossible under these guidelines.

People can expedite the waiting time by paying upwards of \$50,000 per Contributory Parent Visa, which will reduce the processing time to just under four years, but this favours people with financial means, and it is still too long a process.

³⁰ ROCA (2016) *Addressing the pain of family separation for refugee families* Available at: <https://www.refugeecouncil.org.au/wp-content/uploads/2018/12/Addressing-the-pain-of-separation-for-refugee-families.pdf>

³¹ Gardener, L. and Costello, C., (2019) *Stronger Together: The impact of family separation on refugees and humanitarian migrants in Australia*. Available at: https://www.oxfam.org.au/wp-content/uploads/2019/08/2019-AC-012-Families-Together_report_FA2-_WEB.pdf

A dependent child (subclass 445) takes over eight months, and currently, the partner visa (subclass 309) visa takes over 20 months for an application to be processed. An orphan relative visa takes over three and a half years. Others may wait years only to be rejected for an administrative reason³².

“Eligibility requirements were a major barrier for my case because despite meeting all criteria, I was still rejected on the basis of one criterion which I could have provided more information on if the department had corresponded back (before rejecting my application).”

21 year old female, NSW

We recommend wait times are reduced for applicants in recognition of the harm protracted family separation causes. Changes should be made to ensure that applications for families at risk are prioritised based on humanitarian need.

4.3 Restriction and denial of family reunion for refugees and asylum seekers who arrived by boat

“The right to family life and family unity is a right that applies to everyone, including asylum seekers whose status has not yet been determined.”³³

The main policy affecting family reunion for refugees and asylum seekers who arrived by boat is Ministerial Direction 80 (Subsection 8(g)). This directive means that for refugees holding permanent protection visas who came by boat, visa applications for their family members are considered the ‘lowest processing priority’.³⁴

Furthermore, refugees who arrived in Australia by boat on or after 13 August 2012 are only given temporary visas and are therefore ineligible to propose family members under the SHP or Family Stream of the migration program. Additionally, as of 22 March 2014, minors (including unaccompanied minors) who arrive in Australia by boat are prohibited from proposing family members for resettlement in Australia.³⁵

In practice, this means refugees who arrived in Australia by boat may never be able to reunite with their families, as their visas may never be processed (despite paying the same application fees.) We believe these restrictions are punitive, and harm some of the most vulnerable people in the Australian community. Barriers and restrictions such as these will only hinder settlement outcomes, while causing great anguish and mental distress.

³² ROCA (2016) *Addressing the pain of family separation for refugee families* Available at: <https://www.refugeecouncil.org.au/wp-content/uploads/2018/12/Addressing-the-pain-of-separation-for-refugee-families.pdf>

³³ UNHCR (2011) *Protecting the Family: Challenges in Implementing Policy in the Resettlement Context* Annual Tripartite Consultations On Resettlement, Geneva, 20-21 June 2001

³⁴ ROCA (2020) *Denying family reunion for refugees: Impact of Direction 80* Fact Sheet Available at: <https://www.refugeecouncil.org.au/direction-80/>

³⁵ Gardener, L. and Costello, C., (2019) *Stronger Together: The impact of family separation on refugees and humanitarian migrants in Australia*. Available at: https://www.oxfam.org.au/wp-content/uploads/2019/08/2019-AC-012-Families-Together_report_FA2-_WEB.pdf

We recommend that subsection 8(g) of Direction 80 be abolished so that all Australian permanent residents and citizens are allowed access to family reunion pathways that are equitable and recognise the invaluable role of the family in providing economic, social, and emotional support throughout the resettlement journey and beyond.

4.4 Definition of family

“[t]he refugee family is often severely reduced due to violence and flight, and extended relations may be the last line of defence for individuals who rely exclusively on the family unit for survival, psychological support, and emotional care.”³⁶

“The principle of dependency entails flexible and expansive family reunification criteria that are culturally sensitive and situation specific.”³⁷

MYAN has previously raised concerns regarding the definition of family for the purpose of family reunion.³⁸ Balance of family tests do not recognise extended families, or family members lost through forced displacements.

Definitions of family are often influenced by cultural values. Extended family structures have become less central to family life in western countries, including in Australia,³⁹ and the definition of ‘immediate family’ has a restrictive definition based on the Western concept of the nuclear family (husband, wife and minor children). This does not reflect the family compositions of many migrant communities, where different societal norms and cultural dimensions make it common for a wider network of relationships to be recognised as integral to what is considered to be a family.⁴⁰

In some cases, the difference in the composition and definition of the family is determined by cultural factors, in others it is a result of the refugee experience, or a combination of the two. Due to the disruptive and traumatic nature of the refugee experience, forced separation, the impact of persecution and the multiple stress factors associated with seeking safety, refugee families are often reconstructed out of various family members, who depend on each other for mutual support and survival.⁴¹

This is particularly stressful for those who have lost, or do not know the whereabouts of their immediate family members and who are unable to sponsor other family members. Similarly, policies that prevent family members proposing their adult children because they are over 18 and no longer considered ‘dependent’ are restrictive and fail to consider the complexity of the refugee experience.

³⁶ UNHCR (2011) *UNHCR Resettlement Handbook*, p.178.

³⁷ UNHCR (2011) *Protecting the Family: Challenges in Implementing Policy in the Resettlement Context* Annual Tripartite Consultations On Resettlement, Geneva, 20-21 June 2001

³⁸ See www.myan.org.au

³⁹ Gifford, S.M. and McDonald-Wilmsen, B. (2010) *Refugee resettlement, family separation and Australia's humanitarian program*. United Nations High Commissioner for Refugees

⁴⁰ Ibid.

⁴¹ UNHCR (2011) *Protecting the Family: Challenges in Implementing Policy in the Resettlement Context* Annual Tripartite Consultations On Resettlement, Geneva, 20-21 June 2001

We recommend a broader definition of a family unit be adopted, that promotes cultural understanding, combined with an assessment of the physical, financial, and psychological and emotional dependence of sponsors and applicants would help to minimise further disruption and separation of family members during the resettlement process and support positive settlement outcomes.

4.5 Pre-migration English language ability

While English language proficiency is not currently a prerequisite for family reunion, it is worth highlighting that while English language ability is an essential tool that supports participation and engagement in a society where English is the dominant language, it is only one of a range of tools that support good settlement.

Any use of pre-migration English ability as a qualifier for family/partner reunion migrant's risks a return to a "White Australia"-style policy setting that would undermine the non-discriminatory approach of Australia's Migration Program – and potentially diminish broader commitment to social cohesion.

We recommend as a more appropriate measure ongoing investment into English language support as part of key settlement support and services for new arrivals.

Summary of recommendations:

MYAN believes that family reunion acts as a positive accelerator of integration for both the new arrivals and family members already in Australia, contributes to social cohesion and supports the positive contributions that all migrants make to the broader Australian community — in both economic and social impact. We make the following recommendations to the Australian Federal Government:

1. Explore the introduction of concessions or exemptions from partner and family visa fees for young people to alleviate the inequity of the current system and allow for more flexible family reunion options for all young people.
2. Reduce wait list times for applicants in recognition of the harm protracted family separation causes. Changes should be made to ensure that where families overseas remain in situations of risk applications are prioritised based on humanitarian need.
3. Prioritise applications of parents and siblings of proposers 25 years and under for processing in recognition of their role as key sources of support and connection for young people living in Australia, which is critical to the settlement process.
4. Remove barriers to accessing family reunion for refugees who arrived in Australia by boat to enable families separated by persecution and conflict to be reunited. Priority should be given to family reunion for young people, including those who arrived as unaccompanied or separated minors.



5. Expand family reunification criteria so that it is culturally sensitive and situation specific. This includes adopting a broader definition of 'family' in the context of family reunification with a view to include young people who are over 18 years old as well as parents of young people over 18 years old, ensuring children and young people from refugee and migrant backgrounds in Australia are unified with their parents and siblings.
6. Adequately resource English language support as part of settlement support and services for new arrivals, and abandon use of pre-migration English ability as a qualifier for family or partner reunion.