



Commissioner for Children and Young People
Western Australia

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Committee Secretariat
Joint Standing Committee on Migration
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Dear Committee Secretariat

Inquiry into Migrant Settlement Outcomes

Thank you for the opportunity to make a submission to the Inquiry into Migrant Settlement Outcomes.

As the WA Commissioner for Children and Young People, I have a statutory role to advocate for and promote policies, laws, programs and services that enhance the wellbeing of all children and young people in WA. My functions are set out broadly under section 19 of the *Commissioner for Children and Young People Act 2006*.

In performing my role the best interests of children and young people must be my paramount consideration. I must give priority to, and have special regard to, the interests and needs of Aboriginal and Torres Strait Islander children and young people, and children and young people who are vulnerable or disadvantaged for any reason.

I am also required to have regard to the United Nations Convention on the Rights of the Child (UN Convention). As a signatory to the UN Convention, Australia's obligations include ensuring that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the primary consideration (Article 3). More specifically, the convention also states that "children who come into a country as refugees should have the same rights as children who are born in that country" (Article 22).¹

¹ UNICEF, *United Nations Convention on the Rights of the Child*, Article 22, retrieved 14 December 2016 from <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
<https://www.unicef.org.au/Upload/UNICEF/Media/Our%20work/childfriendlycrc.pdf>

Caring for the future growing up today

In line with my statutory remit, my feedback on this Inquiry will discuss some of the issues facing children and young people from migrant backgrounds, including the importance of well-coordinated and resourced, effective settlement and support services, learning the English language, and early intervention and positive community engagement as protective factors in improving wellbeing and reducing at-risk behaviour in young migrants and refugees.

For the purposes of this submission, the term 'migrant' should be understood to include refugee and asylum-seeker children and young people and their families, many of whom have arrived in Australia escaping civil unrest, persecution, or violence. As such, these children and their families may have experienced significant trauma and should be considered particularly vulnerable, potentially requiring higher levels of support and assistance to re-settle effectively in Australia.

Demographic profile

Immigration has played a large part in the economic and social development of Australia. WA has the highest proportion of migrants in its resident population, with around one in three people born overseas, compared with the Australian average of 27 per cent.² With it, migration brings diversity in skills and interests, new ideas, cultural richness and economic benefits. Most people from migrant and refugee backgrounds, particularly those with young families, arrive in WA with a strong desire to make a better life for themselves; to settle quickly into the community and get the support they need to begin making a positive contribution to their community.

The population of children and young people in Western Australia reflects this diversity, with almost one in five (18.4%) born overseas and more than one in 10 (10.6%) speaking a language other than English as their main language at home.

Children and young people from a culturally and linguistically diverse (CALD) background are a highly diverse group. The issues and challenges they face may differ depending on a range of factors including but not limited to; the cultural group with which they identify, time in Australia, pathways to Australia and the level of community and family support they receive once here.

This is particularly the case for migrant children who have experienced the trauma of family separation and loss, war, violence, or immigration detention, while simultaneously navigating the difficult period of adolescence, all in a new and unfamiliar environment.³ Unfortunately, the needs of these migrant children and young people are often overlooked, as they are considered as sub-group of the broader CALD or youth sectors.⁴

² Office of Multicultural Interests 2016, *Economic and Social Contribution of Migrants to Western Australia*, Government of Western Australia, Department of Local Government, p. 5

³ Roberts, L 2014, *Culturally and linguistically diverse children and young people: A literature review*, Commissioner for Children and Young People WA, p. 4

⁴ Roberts, L 2014, *Culturally and linguistically diverse children and young people: A literature review*, Commissioner for Children and Young People WA, p. 4

What is common however, irrespective of background, is the fundamental desire for belonging and acceptance. For children and young people from a migrant background, establishing a firm sense of belonging is especially important; strongly linked to positive health and wellbeing outcomes and a key measure of successful settlement.⁵

Broadly speaking, there are some important factors that enhance the settlement process and contribute to a strong sense of belonging:

- Practical help provided by members of the broader community.
- High levels of cultural diversity and competence in the local community and school environment.
- A sense of safety.
- A sense of freedom and the ability for children and young people to exercise choice and agency in their lives.⁶

Conversely, factors that may erode a sense of belonging include:

- Experiences of racism or intolerance.
- Perpetuation of stereotypes and ignorance towards the child or young person's homeland.
- Experiences of 'partial belonging' or culture clashes – for example not feeling part of either the family's culture of origin or the Australian community.⁷

What children and young people from a migrant background have told the Commissioner

An important function of the Commissioner is to seek the views of children and young people, to promote their participation in decisions that affect them, and to encourage government and non-government organisations to do the same.

Children and young people often have unique insights into issues, can offer creative solutions and their involvement can enrich decision-making processes and outcomes. Involving children and young people, as citizens and users of services, can help ensure the services and supports we provide are relevant to them.

In 2015, my office consulted almost 300 CALD children and young people, to examine some of the issues faced by them as they re-settle in Australia. In line with the Commissioner's statutory functions, the focus was on CALD children and young people who may be particularly vulnerable, such as refugees and recent migrants from non-English speaking backgrounds.

Consistent with other research, participants spoke about some of the positive aspects of living in Australia, such as its multiculturalism, freedom and safety, and the comparative ease of access to education and employment opportunities, food, housing,

⁵ Hunter, F 2015 *The People They Make Us Welcome: A Sense of Belonging for Newly Arrived Young People*, Centre for Multicultural Youth, p. 4.

⁶ Hunter, F 2015 *The People They Make Us Welcome: A Sense of Belonging for Newly Arrived Young People*, Centre for Multicultural Youth, p. 4.

⁷ Hunter, F 2015 *The People They Make Us Welcome: A Sense of Belonging for Newly Arrived Young People*, Centre for Multicultural Youth, p. 5.

and health care. While a number did face particular challenges, many reported to have settled well into their new life in Australia and felt positive about their future.

Children and young people spoke about the importance of learning English in a range of ways throughout the consultation. Gaining English language proficiency was difficult for many but with it came a great sense of achievement and sense of settling and 'fitting in' to Australian life. It was also identified that having a support person who speaks English well was very important when seeking help or trying to access services. Participants also said that they needed more time in intensive language centres, volunteers to help learn English faster, and bi-lingual teachers to help in the classroom.

School was another important point of discussion, with the consultation revealing that children and young people who attended schools with a higher population of students from CALD backgrounds felt a greater sense of belonging compared with those who were one of only a few CALD students. For many, the experience of schooling was a very positive one, but for others it was difficult, as many did not have the support they needed, or were underestimated by their teachers because of their background.

Participants shared some valuable ideas about how the settlement process could be improved, which included:

- More support settling in to Australia including practical assistance, advice on the availability of services and access to social activities.
- More widespread understanding about cultural difference and more culturally appropriate service delivery.
- Assistance with education and learning English.

I urge the Committee to consider ways in which children and young people's views can be included as part of the Inquiry process. My office has written guidelines that may be of assistance in carrying out this work. *Involving Children and Young People: Participation Guidelines* is available on my website ccyp.wa.gov.au.

Settlement and support services for children and young people from a migrant background and their families

Evidence shows that in general terms, migrant children and young people experience poorer social development outcomes compared with their peers in the general population, across a number of domains including health and mental health; education; employment, and community participation.⁸

Some of the barriers to achieving social inclusion and integration include intergenerational family conflict; discrimination in the wider community, and poor English language proficiency, which can contribute to a lack of awareness or ability to access education, employment or health (particularly mental and sexual health) services.⁹

⁸ Roberts, L 2014, *Culturally and linguistically diverse children and young people: A literature review*, Commissioner for Children and Young People WA, p. 3

⁹ Roberts, L 2014, *Culturally and linguistically diverse children and young people: A literature review*, Commissioner for Children and Young People WA, p. 4

In 2008, the Auditor General for Western Australia conducted a performance examination of state services for humanitarian entrants.¹⁰ The examination report found that overall, humanitarian entrants faced difficulties settling and accessing services in Western Australia, due in part to the inadequacy of some agencies in addressing language and learning obstacles, and consideration of the most effective approach to service delivery. In addition, the report noted that policy and service delivery was inflexible and lacked coordination, with agencies having limited information on how clients used services and whether they were effective or not.

While I acknowledge that this evaluation took place a number of years ago and there have been efforts to make improvements, it is my view that to a large degree, these issues still exist. This view is supported by findings of a literature review commissioned by my office in 2014, which examined a range of government and non-government data sources relevant to migrant children and young people, to provide evidence of research to inform policy and practice.

The literature review found that children and young people from migrant and refugee backgrounds have a higher risk of mental health problems, have a lower rate of health service utilisation, participate less in sport and recreation, are significantly more likely to be at risk of homelessness and have lower engagement in the workforce.¹¹

This can be attributed in part to the lack of culturally appropriate services for migrant children and young people in WA.¹² In regional and remote areas, these issues are even more pronounced.

The review also concluded that a key factor contributing to the lack of high-quality sustainable services is that the migrant child and youth sector is generally under-resourced, fragmented and lacking coordination. This may be due to the short-term nature of funding across the sector, which is discouraging capacity building, knowledge development and inter-agency collaboration.

In addition, the review found a lack of policy frameworks at a national or state level to link migrant children and young people and their families to the services they need.¹³

Anecdotal evidence from relevant stakeholders and service providers suggests that significant barriers exist in accessing health and other community services, as well as support to participate in the community. Evidence also suggests that English language proficiency has a significant part to play in how successful families are at navigating the service system and identifying where to get the help they need.

While the Department of Education and Training provides a legislated 510 hours of tuition through the Adult Migrant English Program (AMEP), I would suggest that for some, this may not be adequate in gaining the English proficiency required to actively

¹⁰ Murphy, C 2008, *Lost in Translation: State Services for Humanitarian Entrants*, Auditor General for Western Australia

¹¹ Roberts, L 2014, *Culturally and linguistically diverse children and young people: A literature review*, Commissioner for Children and Young People WA, p. 3.

¹² Roberts, L 2014, *Culturally and linguistically diverse children and young people: A literature review*, Commissioner for Children and Young People WA, p. 5.

¹³ Roberts, L 2014, *Culturally and linguistically diverse children and young people: A literature review*, Commissioner for Children and Young People WA, p. 5

participate in and contribute to Australian society. While some research estimates English language proficiency takes somewhere between four and seven years, language acquisition, like many developmental processes, is dependent on a number of socio-economic factors. For those coming from high-poverty, poorly-educated backgrounds, the process may be even more difficult and time consuming.¹⁴ With this in mind, I am pleased to note that as of 1 July 2017, a capped program of up to 490 additional hours will be introduced for those who have not yet reached a level of functional English.¹⁵

It is vital that all settlement services are adequately funded to support children and young people and their families as they begin their lives in Australia. This means intervening early and providing migrant children and their families long-term support as required, with the capacity to re-engage them if necessary. What is required is a holistic, culturally-appropriate approach to service design and delivery, where multiple sectors have the capacity to work together in order to optimise outcomes for children and young people and their families. This includes health and mental health, education, housing, social and employment services. Service design and delivery must reflect national immigration policy and be flexible, responsive, and adequately resourced, including in the capacity to resource practical access to location, transport and interpreter services where needed.

An issue brought to my attention recently highlights the importance of a nationally consistent approach to delivering services that ensures the basic human rights of children and young people from migrant backgrounds are met.

The example highlights the difficulty faced by one family and their young son, who was denied access to education in a Western Australian state primary school unless an enrolment fee of \$10,160 was paid. WA is the only state that does not provide free education to migrant and refugee children and young people on a temporary protection visa, which currently affects approximately 150 children in the state.¹⁶ Such policy creates an unnecessary obstacle in a migrant child's settlement experience and contributes to a hostile start to their life in Australia. This issue should be rectified as a matter of priority.

In Western Australia, the Princess Margaret Hospital's (PMH) Refugee Health Clinic is an example of how a mainstream service can be adapted to be more accessible to migrant families. The service is widely acknowledged as best-practice and a benchmark standard of care.

Through its specialist, multi-disciplinary team, the Refugee Health Clinic works to coordinate and manage the complex care needs of recently resettled migrant, refugee and asylum seeker children under the age of 16 years. The clinic aims to meet the medical, developmental, educational and psychosocial domains of refugee children and

¹⁴ Crawford, J 2004, *No Child Left Behind: Misguided Approach to School Accountability for English Language Learners*, National Association for Bilingual Education, p. 4.

¹⁵ Australian Government, Department of Education and Training, Adult Migrant English Program Homepage, <https://www.education.gov.au/adult-migrant-english-program-0>

¹⁶ Letter to the Western Suburbs Post newspaper 2017

adolescents. Children are assessed in family groups wherever possible to minimise disruption to the resettlement process.¹⁷

The Refugee Health Clinic has identified a number of ways in which their service delivery can be improved in order to optimise health, education and employment outcomes for children and young people. This includes more of a focus on adolescent health care, greater accessibility for families living in rural, regional and remote locations, and outreach services. These strategies should be fully resourced in order to capitalise on the intended outcomes.

Improving outcomes and reducing the risk of marginalisation in migrant children and young people

Broadly speaking, there are number of protective factors that enhance the wellbeing of children and young people and lessen the likelihood of marginalisation, engaging in anti-social behaviour and coming into contact with the justice system – regardless of the ethnicity of the child. A healthy and functional home life, positive engagement in education and employment, participation in the local community and access to health and other services are all important factors in ensuring children and young people have the best start in life and can navigate the important transitions into adulthood. For children from migrant backgrounds, services that are culturally appropriate and responsive are particularly important. Without these necessary supports, the risk of marginalisation increases.

Youth violence and anti-social behaviour is linked to a number of socio-economic factors, including poverty, family dysfunction, poor health and mental health outcomes and lack of access to education and employment. An extensive review into youth violence, conducted in the Canadian province of Ontario in the aftermath of a fatal high school shooting, found that root causes of youth violence are “extensive and pervasive..., intertwined and particularly virulent in certain neighbourhoods, and made worse everywhere when they include racism”.¹⁸

Providing the right mix of services and supports, in the earliest stages and for the required amount of time, will reduce the risk of problems arising later. This does not only relate to children and young people from a migrant background; children and young people who are vulnerable for any reason benefit from these interventions. There is a sizeable body of evidence that tells us these approaches work, and that investing in them now will deliver a number of positive outcomes in the future.

In summary

In my response to this Inquiry, I will not be making a comment on whether migration settlement processes adequately assess a prospective migrant’s settlement prospects, nor the adequacy of the *Migration Act 1958* character test provisions in relation to youth migrants or those who may be involved in gang activity.

¹⁷ Princess Margaret Hospital Refugee Health Clinic Homepage, http://www.pmh.health.wa.gov.au/services/refugee_clinic/

¹⁸ McMurtry, The Hon. R and Curling, Dr. A 2008, *The Review of the Roots of Youth Violence Volume 1 – Findings, Analysis and Conclusions*, Queens Printer for Ontario, p. 2.

What I will reiterate is the importance of early intervention, family support, and engagement in education, recreation and employment opportunities, so that children and young people from migrant backgrounds remain connected to their community and are able to actively participate in it. It is vital that services are culturally appropriate, sustainable and adequately resourced, so that they can continue to meet the needs of this vulnerable cohort. If these services are not made available, the risk of children and young people disengaging from the community and becoming marginalised increases.

In demonstrating a commitment to our youngest citizens, it is incumbent on the Commonwealth to ensure we have a national consistent approach to delivering better outcomes for children and young people from a migrant background. These are whole-of-community issues that affect not only migrant children, but this cohort is particularly vulnerable and must not be overlooked.

Thank you again for the opportunity to make a submission to this Inquiry. Should you wish to discuss any of these matters in more detail, please contact me on (08) 6213 2297 or via info@ccyp.wa.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'COLIN PETTIT', written in a cursive style.

COLIN PETTIT

Commissioner for Children and Young People WA

31 January 2017