

## ASRC submission

### **Committee Secretary**

Senate Legal and Constitutional Affairs  
PO Box 6100  
Parliament  
House Canberra  
ACT 2600

25 November 2020

Dear Committee Secretary

### **Submission to the Immigration (Education) Amendment (Expanding Access to English Tuition) Bill 2020 (the Bill).**

The Asylum Seeker Resource Centre (ASRC) welcomes the opportunity to provide a submission to this important inquiry.

The ASRC is supportive of the Bill and recommends it is passed. The ASRC is supportive of the aims and functions of the Bill to increase access to funded English language classes for new and prospective migrants to Australia.

The ASRC's support of the bill does not extend to support any possible future measures restricting access to permanent visa pathways for migrants. For example, the ASRC is opposed to any changes that would make it more difficult for provisional Partner Visa holders to obtain permanent residency or citizenship on the basis of lack of English language skills.

We would wholeheartedly welcome the opportunity to discuss our submission at any public hearings.

Please do not hesitate to contact me for any further discussion.

Yours faithfully



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## Background

Founded in 2001, the Asylum Seeker Resource Centre (ASRC) is a support organisation for people seeking asylum and refugees in Australia. Based in Footscray and Dandenong in Victoria, the ASRC provides aid, justice and empowerment programs to over 5000 people seeking asylum living in the community and seeking refugee protection. We are an independent not-for-profit organisation whose programs support and empower people seeking asylum to maximise their physical, mental and social wellbeing. We champion the rights of people seeking asylum and mobilise a community of compassion to create lasting social and policy change.

Our submission is based on our longstanding and comprehensive work with people seeking employment. The ASRC's Education Program has delivered education programs since August 2001, just two months after the ASRC opened its doors in June 2001. The ASRC 'English as an Additional Language' program was established to provide an opportunity for people seeking asylum to learn English. At that time, they had no access to government-funded language classes.

Over the years, the program has developed and adapted, responding quickly to the current political climates, subsequent policies and the consequent emergent needs of people seeking asylum. 'English for Work' was developed in 2018 to address the barriers impacting the ability of people seeking asylum to find financially viable, secure and safe work. Language and literacy are the foremost barriers, followed by soft skills and cultural awareness to further improve the employability of people seeking asylum.

Our submission is based on nearly 20 years of experience working directly with people seeking asylum and refugees.

## Recommendations

1. The ASRC supports the proposed removal of the statutory limit to enhance English language proficiency.
2. The ASRC supports the amendment of the upper limit for eligibility to access English tuition to a new level of vocational English, which will enable eligible persons to continue their language learning to a higher level of English proficiency.
3. The ASRC support the change to remove the statutory time limits for registering for, commencing and completing English tuition for certain people who held a visa and were in Australia on or before 1 October 2020
4. The ASRC supports the change to allow for the provision of English tuition to certain visa holders or visa applicants outside Australia with the expansion of eligibility to include all people seeking asylum.

## The link between language acquisition and employment

Language barriers serve to exclude people who are seeking asylum from participating in almost all aspects of Australian society, and gaining proficiency in English is critical to accessing educational and employment opportunities (Fleay et al., 2016; Hugo, 2011).

As English language proficiency is critical to accessing crucial educational opportunities that will lead to employment, it is imperative for people seeking asylum in Australia to be included in programs that specifically focus on language education. Often their access is limited not only by English language proficiency, but also by other constraints, financial insecurity and uncertainty.

There are numerous and significant factors that impact substantially on the ASRC's members' ability to engage in learning. These factors include, but are certainly not limited to, living in a protracted state of visa uncertainty, financial hardship, housing insecurity, and the impact of trauma (Australian Red Cross, 2013). An additional challenge our members face is navigating the myriad of potential pathways in the Australian tertiary education system, which is complex and confusing even for domestic students. These complexities are further compounded for people seeking asylum, who are unfamiliar with the Australian system, are culturally diverse, speak English as an additional language and have limited access to resources (Hartley et al., 2018).

The importance of English language cannot be understated when considering the factors that contribute to social inclusion in Australia (Parliament of the Commonwealth of Australia, 2018). Proficiency in the local language is also a significant predictor of employment success for people seeking asylum, as with all migrants (van Kooy and Randrianarisoa, 2017; Fleay et al., 2013; Abdelkerim and Grace, 2012). Hugo (2011) and Marston (2004) identified limited English language skills as a further barrier faced by refugees and people seeking asylum to finding employment in Australia (Fleay et al., 2016).

## Response to the proposed amendments

The ASRC welcomes the review of the AMEP program, a future-focused program targeting the literacy and numeracy proficiency of refugees who have limited to no prior English skills. This is a timely move to increase the long-term economic and social participation of refugees and migrants.

- **remove the 510 hour statutory limit on an eligible person's entitlement to English tuition, in order to support and incentivise English proficiency**

The ASRC supports the proposed removal of the statutory limit to enhance English language proficiency.

The COVID-19 pandemic has proven that we need blended delivery modes and a flexible approach to learning. English language skills are critical to integration. In the past, the compounding nature of this knowledge requirement has meant that many refugees and migrants are being left behind because of insufficient statutory hours to support their long term transition to calling Australia home. It is vital, therefore, that the new model maintains an ongoing connection with students to offer English language learning and employability support, in an accessible, affordable and flexible model. The reform and expansion of the vocational English learning program will more effectively equip and advance the learning opportunities of students to develop the language skills they need to confidently interact with their society, community and importantly, the workforce.

The broader goal of the vocational English model should be that existing knowledge and skills of refugees and migrants are valued; thus they are more able to determine and advance their futures, especially now that the focus is more geared towards pathways to employment and secure work. One of the major aims should be that eligible students are better able to engage effectively in the community; the intermediate outcome being that they feel an increased sense of connectedness.

This goal would be strengthened by measuring success against the ambitions and aims of individual participants, including their sense of community connectedness.

Although refugees and migrants may be incredibly ambitious, it is well-recognised how challenging it is for non-native English speakers to engage in tertiary education as well as adjusting to the Australian education systems, and particular academic language, convention and style. Without adequate support, students will often disengage (Beadle, 2014: 17).

- **amend the upper limit for eligibility to access English tuition to a new level of *vocational English*, which will enable eligible persons to continue their language learning to a higher level of English proficiency**

The ASRC supports this change.

There are thousands of refugees across Australia privileged to have the knowledge, skills, competence and the level of influence and leadership within the refugee community and government to drive this change: "nothing for us without us". The transition to independence and integration is unique to each individual. Learning any new language is difficult and the expectation that refugees and migrants should have higher levels of English proficiency at certain stages of their settlement is unrealistic. Accessibility and affordability are critical to higher engagement and prioritisation of English learning and proficiency. Many refugees, migrants and people seeking asylum have contributed immensely to the Australian economy, their resilience, adaptability and eagerness to maximise opportunities have been the bedrock of their successes, not necessarily the level of their English proficiency. We must acknowledge that refugees and migrants come to Australia with a wealth of experience, skills and potential which is frequently untapped; often because

English proficiency has been seen as a measure of intelligence and ability to meaningfully contribute back to society. Although English language plays a pivotal role in successful migration, it is not the 'be all and end all'. The proposed continuous learning model would allow structured language acquisition to occur at various stages of settlement, integration and through work or career pathways.

- **remove the statutory time limits for registering for, commencing and completing English tuition for certain people who held a visa and were in Australia on or before 1 October 2020**

The ASRC supports this change.

We know that full-time ongoing work brings security and stability, allowing people to support themselves and their families, while exercising self-agency. Placing a cap on the duration of English learning would certainly hinder that continuum.

Up to the start of the pandemic, the level of job retention for people seeking asylum supported by the ASRC was high: 92%. This was due to a combination of solid preparation so participants were well-placed to succeed in their roles and high levels of engagement in the post-placement support program and most importantly the flexibility and tailored English learning environment focused on areas of critical gaps and improvements. ASRC Pathways to Employment (PTE), which includes English for Work classes, offers a unique combination of training, work experience, and support for people with minimal or low English levels. In 2019-20 PTE advisors helped 72 participants with topics such as searching and applying for jobs, networking, and workplace culture.

The ASRC Education Program has also managed and administered the Victorian State government's subsidised Asylum Seeker Vocational Education and Training (ASVET) program since 2011. This program can provide a pathway for eligible people seeking asylum to gain technical skills and qualifications in approved accredited Certificate courses, Diplomas and Advanced Diplomas. Education and training is key to successful settlement; it can be transformative to those impacted by forced migration to Australia, as it facilitates opportunities to rebuild lives, develop a sense of purpose and identity, and feel hopeful about the future. Lifelong learning for adults cannot be underestimated due to the continuous navigation of complexities faced by these cohorts and these proposed changes we believe would foster greater proficiency outcomes.

- **allow for the provision of English tuition to certain visa holders or visa applicants outside Australia, to support their English language learning in preparation for their migration to Australia**

The ASRC supports this change with the expansion of eligibility to include all people seeking asylum.

Learning the national language early, we believe, would certainly help and make a difference. Whether refugees and migrants are in or outside of Australia, language acquisition is a barrier faced by most. Allowing provision of accessible and flexible tuition would remove the barrier to engagement and set people up for success in their settlement and integration stages. People seeking asylum have complex educational needs that require targeted forms of language support, while recognising the unique skills, experience, knowledge and attributes that they bring. Unfortunately, these needs are rarely met by either the state or federal education systems. Expanding the provision of English tuition to include all people seeking asylum in Australia would not only address educational needs but also alleviate the dependency on welfare services as many would have the literacy and numeracy skills required for gainfully be employed.

## Conclusion

It is incredibly distressing to witness the negative impacts of policy decisions that have pushed many people seeking asylum into destitution and further into the margins of society. In recognising the benefits of these proposed changes, we hope that our reflections will be useful to inform the policy reform and encourage the provision of statutory English language provision for people seeking asylum. The best practice model focussed on learner-centred approach, trauma-informed practice and flexible and holistic model would achieve greater outcome for both the federal government and program recipients.

The ASRC's support of the bill does not extend to support for future measures restricting access to permanent visa pathways for migrants.

## References

Fleay, C., Hartley, L. and Kenny, M.A. (2013) 'Refugees and Asylum Seekers Living in the Australian Community: The Importance of Work Rights and Employment Support', *Australian Journal of Social Issues*, 48, 4: 473–493.

Fleay, C., Lumbus, A. and Hartley, L. (2016) 'People Seeking Asylum in Australia and their Access to Employment: Just What Do We Know?', *Cosmopolitan Civil Societies Journal*, 8, 2: 63–83.

Hartley, L., Baker, S., Hirsh, A. and Dunwoodie, K. (2018) *People Seeking Asylum and Higher Education in Australia: Post-National Symposium Report*. [Online].

Available at <http://humanrights.curtin.edu.au/wp-content/uploads/sites/27/2018/03/People-Seeking-Asylum-Higher-Edu-Post-Symposium-Report-March2018.pdf> (accessed: 22/11/2020).

Hugo, G. (2011) 'A Significant Contribution: Economic, Social and Civic Contributions of First and Second Generation Humanitarian Entrants'. [Online].

Available at <https://immi.homeaffairs.gov.au/settlement-services-subsite/files/economic-social-civic-contributions-booklet.pdf>