

UNACCOMPANIED HUMANITARIAN MINORS IN AUSTRALIA

An overview of national
support arrangements and
key emerging issues

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Multicultural Youth Advocacy Network (Australia) Unaccompanied Humanitarian Minors in Australia: an overview of national support arrangements and emerging issues

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Acknowledgements

Section 2, 'Definitions and national support arrangements for UHMs', was provided by the Department of Immigration and Citizenship (DIAC).

Section 3, 'Emerging Issues' and Section 4, 'Recommendations' were prepared by the Multicultural Youth Advocacy Network (Australia). The MYAN acknowledges the contributions of a range of partners in the development of Section 3.

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Background

This paper provides a national overview of the support arrangements for Unaccompanied Humanitarian Minors (UHMs) across Australia, as well as an overview of key emerging issues in relation to the care and support of this group of young people. Given the absence of a nationally consistent approach to support and care for UHMs, and the increased numbers arriving through Australia's on-shore protection system, it is designed to address an identified gap in clear information about the type of care and support available to unaccompanied humanitarian minors in each state and territory. This is a dynamic policy environment, and this paper is the first in a series being prepared by the MYAN on this issue.

The Department of Immigration and Citizenship (DIAC) has provided the content for Section 2 – Definitions and national support arrangements for UHMs.

The MYAN

The Multicultural Youth Advocacy Network (MYAN) is the nationally recognised policy and advocacy body representing multicultural youth issues.

The MYAN works in partnership with government and non-government agencies at the state/territory and national levels to ensure that the particular needs of young people from refugee and migrant backgrounds are recognised, and to support a coherent and consistent approach to addressing their issues in policy and service delivery. The MYAN believes that a targeted approach at the policy and service delivery levels is essential to supporting the social, cultural and economic participation of young people from refugee and migrant backgrounds in Australian society. The MYAN also supports the development of multicultural youth policy and advocacy bodies in each state and territory.

Youth settlement, including UHMs, is one of the MYAN's five policy priorities.

Definitions and national support arrangements for UHMs

This section has been written by DIAC to provide an overview of the care and support arrangements for UHMs around Australia.

UHMs and the UHM Program

UHMs are young people under 18 years of age who have arrived in Australia without a parent after being resettled under Australia's Humanitarian Program or granted a Protection visa following their arrival in Australia. The Australian government, state and territory governments and contracted service delivery agencies work together to provide complementary settlement and support services to UHMs through the UHM program.

Broadly speaking, by operation of the Immigration (Guardianship of Children) Act 1946 (the IGOC Act) the Minister for Immigration and Citizenship (the Minister) is the guardian of UHMs who are not in the care of a parent or adult relative 21 years of age or older. UHMs for whom the Minister is the legal guardian are commonly referred to as 'wards'.

The Minister is not the guardian of unaccompanied minors who have arrived in Australia without a parent but with, or for the purposes of joining, a close relative aged 21 years of age or older. These UHMs are commonly referred to as 'non-wards'.

The UHM program is currently available to all UHM wards as well as some UHM non-wards, depending on their state/territory of residence.

Unaccompanied Minors (UAMs)

UAMs are young people under the age of 18 years who have arrived in Australia without a parent or an adult relative and seek to remain permanently in Australia by making a permanent visa application.

UAMs move into the UHM program if they receive a Protection or humanitarian visa.

The UHM Caseload

Currently, a small number of UHMs arrive in Australia having been resettled from overseas on an offshore humanitarian visa (a class XB subclass 200, 201, 202, 203 or 204 visa). UHMs resettled from overseas generally arrive in Australia with an adult carer or, on their arrival, are placed with a known carer already living in Australia.

Currently, the majority of the UHMs entering the UHM Program have sought protection after their arrival in Australia. In most cases, these UHMs have arrived in Australia as Irregular Maritime Arrivals (that is, they arrived by boat and began the identification and protection assessment process on Christmas Island). This component of the UHM caseload has increased substantially in recent years. A small number of UHMs have arrived by other means.

UHMs who have arrived in Australia in these circumstances have been granted Protection (subclass 866) visas. They are predominantly older teenage boys without existing links to Australia who require care arrangements.

Statistical Snapshot of the UHM Program (as at 30 June 2012)

State	Wards *	Refugee Youth Support Pilot (also wards)	Non-wards	Total	% of total
VIC	155	20	201	376	43.50%
QLD	124	18	97	239	27.60%
SA	87	16	15	118	13.60%
WA	80		**	80	9.20%
NSW	49		**	49	5.70%
ACT	2		**	2	0.20%
NT	0		**	0	0.00%
TAS	1		**	1	0.10%
Total	498	54	313	865	100.00%

*Wards may be either under the delegated guardianship of either state child welfare agencies, or DIAC, in which case a contracted service provider is appointed custodian.

**Numbers not recorded for these locations.

Approximately 90% of UHMs entering the program in 2011-12 program year were irregular maritime arrivals subsequently granted permanent Protection visas onshore. The vast majority were wards. This cohort is predominantly 16 and 17 year old males, mostly from Afghanistan. Other countries of origin represented, although to a much lesser degree, are Iraq and Iran.

In earlier years, the proportion of UHMs has been more heavily weighted toward offshore arrivals granted humanitarian visas overseas.¹ Given the younger age profile of these earlier offshore UHM arrivals, many remain in the UHM Program, typically in the care of relatives and under the delegated guardianship of state and territory governments. This group is a fairly balanced mix of male and female across a broad age spectrum. The country of origin for these clients is also spread broadly with Liberia, Sudan, Congo, Burma and Afghanistan being most common. To a much smaller degree Somalia, Sierra Leone, and Ethiopia are also represented.

¹ Note that the UHM program operates in a changing environment and cohorts may change in line with changing international trends (asylum seeker movements and humanitarian resettlement needs) and government policy.

The Minister as Guardian

Under the IGO Act, the Minister for Immigration and Citizenship is the guardian of children in Australia² who:

- are not Australian citizens;
- have not turned 18 years old;
- at the time of their arrival in Australia intend, or are intended, to become permanent residents of Australia; and
- did not arrive in Australia in the care of, or for the purposes of living in Australia under the care of, a parent; a relative who has turned 21; or an intending adoptive parent.

For the purposes of the IGO Act, DIAC interprets the term ‘relative’ to include aunts, uncles, siblings, grandparents, step-parents, step/half aunts and step/half uncles, step/half siblings, step-grandparents and first cousins. DIAC may refer clients for whom the Minister is guardian to a contracted service provider to act as custodian.

The Minister may delegate many of his/her powers and functions as guardian to Commonwealth officers, or officers of a state or territory government. The delegated guardian for a UHM who has been placed with a contracted service provider is a senior DIAC officer located in DIAC National Office. The delegated guardian for a UHM residing with an approved carer is, once guardianship is accepted, an officer of the relevant state or territory child welfare agency.

The Minister’s powers and functions as guardian cannot be delegated to a private individual or entity, such as a contracted service provider. However, a private individual or entity may be appointed as a custodian under the IGO Act by the Minister or a delegated guardian.

Even where the Minister has delegated his powers and functions or appointed a custodian, the Minister remains the legal guardian and is ultimately responsible for a child or young person covered by the IGO Act.

Role of the Guardian

The Minister or delegated guardian has the same rights, powers, duties, obligations and liabilities as a parent of the child. A guardian’s responsibilities include those relating to a child’s basic human needs – food; housing; health; education; and protection from harm. The guardian is not, however, personally obliged to provide the day-to-day care for the UHM. In practice, day-to-day care is provided by a custodian, who will be the UHM’s carer or a contracted service provider.

² There are some exceptions and additions to this general position. Section 11 of the IGO Act provides for certain children or classes of children to be excluded from the operation of the IGO Act. In addition, the Minister for Immigration and Citizenship may also give a direction that he or she is the guardian of certain non-citizens under the age of 18.

Custodians

The Department is working with service providers and state and territory governments to implement recent changes to custodianship arrangements. Under the changes, a person who has actual custody of a UHM will be appointed as their custodian, with the exception of UHMs in the care of a service provider, in which case the service provider will be appointed as the custodian. The appointment of custodians commenced in July 2012 and will be progressively implemented.

Custodians provide for the care and welfare needs of UHMs and can make decisions about routine, day-to-day matters. The delegated guardian retains legal responsibility for the UHM and must be consulted in all matters that are not of a routine nature regarding the care and welfare of the UHM. In particular, the Immigration (Guardianship of Children) Regulations 2001 require custodians to seek the consent of the delegated guardian in relation to decisions:

- to place a UHM in the care of another person; or
- to take or allow a UHM to leave the State in which they reside.

Overview of national care arrangements

The possible care arrangements for UHMs include:

- being cared for by a relative or other approved carer under the supervision of the relevant state or territory child welfare agency;
- being cared for by a contracted service provider (currently Life Without Barriers in QLD, WA and SA, and potentially additional locations in future); and
- being cared for by contracted service providers as part of the Refugee Youth Support Pilot (QLD, SA, VIC).

UHMs being cared for by Approved Carers

UHM wards who identify ties to the community and are able to nominate a non-relative to be their carer have their proposed care arrangements reviewed by DIAC to ensure basic criteria are met. If that review is positive, the case will be referred to the relevant state and territory government child welfare agency for a formal assessment of the proposed carer.

In some instances, minors relocate to live with a prospective carer of their own volition and this arrangement is then referred to the state or territory welfare agency for assessment.

In order to be approved as a carer for a UHM, a person must have turned 21 years of age and be willing and able to provide support for the UHM. All state and territory governments formally assess carers, and may require a police clearance. It may take some time for the carer's assessment to be completed. In some cases, the assessment will result in the nominated carer not being approved, in which case, DIAC will seek to identify the best alternative arrangement in consultation with the young person.

State child welfare agency programs providing services to UHM wards living with approved carers are listed under 2.7.4.

UHMs being cared for by a contracted service provider (Life Without Barriers)

Where a UHM is not able to nominate a suitable carer, the most common arrangement will be placement with the current contracted service provider, Life Without Barriers, in Brisbane, Perth or Adelaide.

UHMs settled with Life Without Barriers generally reside in a group house with around 4-6 other young people and a full-time carer. They are provided with welfare support, cultural support, recreational activities, and activities to support them to develop independence.

UHMs being cared for under the Refugee Youth Support Pilot

In 2012, DIAC commenced a trial of a new approach to the provision of settlement services for older UHMs (aged 16 to 17 years) through the Refugee Youth Support Pilot. The Pilot will involve approximately 100 UHMs and test whether a model that provides accommodation and support, but does not involve 24 hour care, is a viable alternative to existing arrangements for some UHMs.

The focus of the Pilot is on transitioning older UHMs to independence over an extended period, particularly through an emphasis on the development of practical skills such as decision making and personal organisation, as well as the provision of education and employment support.

National care and support arrangements by state and territory

The table below provides an overview of national care and support arrangements by state and territory.

State/Territory	Program
VIC	<p>The Refugee Minor Program is delivered by the Victorian State Government's Department of Human Services. This program provides services to both ward and non-ward UHMs living in community or family care arrangements.</p> <p>The Refugee Youth Support Pilot is delivered by the Centre for Multicultural Youth. This service provides accommodation and support to older UHM wards who have been assessed as able to live without 24 hour supervision.</p>
NSW	<p>The NSW State Government child welfare agency, the Department of Families and Community Services, provides services to UHM wards.</p>
QLD	<p>For ward and non-ward UHMs living with a carer in Queensland, the Department of Communities, Child Safety and Disability Services provides services through its sub contracted agency, Mercy Family Services.</p> <p>For UHM wards without a carer, full-time care and welfare support services are provided by Life Without Barriers through a contract with DIAC.</p> <p>The Refugee Youth Support Pilot, delivered by the Multicultural Development Association, provides accommodation and support to older UHM wards who have been assessed as able to live without 24 hour supervision.</p>
SA	<p>The SA State Government child welfare agency, the Department for Education and Child Development, delivers services to both ward and non-ward UHMs under a Memorandum of Understanding with DIAC.</p> <p>The Refugee Youth Support Pilot, delivered by Multicultural Youth South Australia, provides accommodation and support to older UHMs.</p>
WA	<p>The WA State Government child welfare agency, the Department for Child Protection, provides services to UHM wards living with a carer under a cost sharing agreement with DIAC.</p> <p>For UHM wards without a carer, full-time care and welfare support services are provided by Life Without Barriers through a contract with DIAC.</p>
NT, ACT, TAS	<p>Services to UHM wards are provided by the relevant state or territory government under case specific arrangements negotiated with DIAC.</p>

Links with Settlement Services

UHMs may also access services provided under the Humanitarian Settlement Services (HSS) program and other settlement programs, providing eligibility requirements are met.

The HSS service provider is responsible for particular aspects of the UHM's initial settlement needs consistent with the HSS program more generally, while the state government or contracted service provider is responsible for their supervision and welfare.

In many cases, UHMs may exit the HSS program before leaving care under a UHM program. It is important that the case management plans developed by each provider are complementary and equip the young person to successfully transition to independent living when they exit the UHM Program.

In the case of UHMs cared for in the Refugee Youth Support Pilot, all initial settlement needs are provided through the Pilot and clients are referred to a HSS provider shortly before they turn 18 and exit the Pilot.

Emerging issues

This section provides an overview of emerging issues as identified through MYAN networks across the country³ and includes recommendations for addressing some of these issues. The MYAN recognises that this is a dynamic and highly complex policy area and acknowledges that DIAC is working on addressing some of the complexities associated with guardianship legislation and the implications for care/support arrangements for UHMs.

The MYAN considers UHMs as a particularly vulnerable group of young people, with diverse and complex needs. Not only are they navigating the challenges of settlement in a new country as adolescents but they are doing so without the immediate support and care of family and/or significant others. It is the experience of the MYAN that this group of young people is often particularly isolated: dealing with feelings of loss and grief, insecure housing, lack of access to adequate sport or recreation opportunities, while also navigating a complex service system and guardianship and/or care and support arrangements.

In the last two years, Australia has seen a significant increase in the number of unaccompanied minors arriving by boat and granted permanent Protection visas through Australia's on-shore refugee and humanitarian program⁴. This group of young people have not had access to pre-arrival orientation like those arriving through the off-shore program⁵, may be well educated and/or relatively employable, and may be experiencing significant mental health issues (often as a result of the asylum seeking process). Some may have spent time in immigration detention (alternative places of detention) in multiple locations, and/or

³ The MYAN acknowledges input from a range of partners in the preparation of this section.

⁴ See DIAC Asylum Trends 2010-11

www.immi.gov.au/media/publications/statistics/asylum/files/asylum-trends-aus-annual-2010-11.pdf

⁵ Although they may have had access to orientation about Australia while in community detention, or basic familiarisation about Australia while in alternative places of detention.

the community-based detention program as their claim for a Protection visa is processed. They are often highly mobile, with many moving between states several times, in a relatively short period, seeking employment. Some are also very proactive about navigating the service system and acquiring services to meet their needs.

They may also face additional vulnerabilities, including:

- The trauma of realising that it will likely take many, many years before their family will be able to join them in Australia (if at all). The lack of family reunion options can have implications for their physical and mental health and impact on their capacity for a long-term view of settlement in Australia or motivation to build connections to support settlement, including engagement in education, training and employment.
- Widespread misconceptions, perpetuated by negative media representation, about asylum seekers arriving in Australia by boat. This can have a negative impact on young people's settlement and sense of belonging in Australia. Some young people also experience resentment from members of their cultural community, those from other communities and also the broader community, as they are perceived to have 'taken the place' of others awaiting resettlement via Australia's off-shore humanitarian program. This perception is largely a result of the link between quotas for Australia's on-shore and off-shore program⁶ and perpetuated by media misinformation and popular misconceptions around boat arrivals.

Over some years, the MYAN has expressed concern that there is no national framework to guide the support and care for UHMs – including allocation of resources, consistent models of care and exit or transition plans. More recently, in part because of increased numbers of UHMs arriving through Australia's on-shore protection program, a number of issues have emerged in the settlement and youth sectors in relation to adequate support for this group of young people.⁷ The following provides an overview of some of these issues.

Service system capacity

The service system is currently responding to a (relatively) high volume and new cohort of UHMs. This has implications for the settlement service system, in particular HSS, and presents new challenges as services are developed in the community detention program. While the MYAN understands that many services have endeavoured to meet the needs of this group of young people, and DIAC has been working to ensure that systems are in place to support a service response,⁸ there are a number of issues that have an impact on the capacity of services to do this well. These include:

- unfamiliarity within the settlement and youth sectors in working with/supporting this cohort: many services have reported that they have limited capacity (e.g. service

⁶ Currently the quotas for Australia's off-shore and on-shore programs are linked, so that an increase in on-shore arrivals results in a decrease in the number of places available for resettlement via Australia's off-shore program.

⁷ See Refugee Council of Australia (RCOA) *2012-2013 Intake Submission*.

⁸ This includes the introduction of the Refugee Youth Support Pilot, implemented in 3 states in early 2012, and considerations for improving linkages between the UHM Program and settlement services to provide greater continuity of care and clarity for UHM clients and stakeholders.

eligibility, an understanding of UHMs' circumstances, entitlements and guardianship/custodianship) to respond to what are often complex needs;

- an assumption, for some mainstream services, that the needs of this group of young people are met (or indeed, over-serviced) through settlement services;
- limited partnerships/collaboration between the youth and settlement sectors to support service system coordination;
- a service system and legislative context designed around meeting the settlement needs of UHMs arriving in Australia primarily through the off-shore humanitarian program. The sector is currently experiencing a significant 'transition' time in relation to understanding the needs of on-shore UHMs, developing skills and knowledge in responding to these needs, and adjusting a service system to support this group of young people.
- the implications of a series of policy changes: the welcome move towards community placement for asylum seekers, combined with the increased number of UHMs has meant many service providers have been required to venture into new areas and/or rapidly expand existing programs. In many instances this has placed enormous pressure on these services, especially where they have been required to make prompt and frequent adjustments to their service delivery model.

Relocation

Where suitable care arrangements cannot be found in the state/territory in which they reside, some young people are required to relocate to a different state when they are granted a Protection visa in order for guardianship requirements to be met. For many, this means leaving connections and supports they have built while living in community detention.

Some young people, once relocated, decide to move back to the state/territory where they have existing connections, or indeed to a new state where they may have connections or employment opportunities, but they do so without formal guardianship/custodianship. As RCOA has highlighted, while the Immigration Minister is still technically their guardian, in these cases the delegation to a state or territory agency is not easily transferred to another jurisdiction and young people are effectively presenting at services without an effective guardian.⁹

This also means that young people may not be able to access the support they need through settlement services (e.g. HSS) as they have already accessed this support in the state to which they were relocated. Responsibility for supporting this group of young people is often unclear (including eligibility for state/territory care arrangements) and there is often a lack of coordinated support. As a result, young people are at risk of falling through gaps in the service system.

⁹ RCOA:2012:46

Unsuitable guardianship arrangements and/or breakdown of guardianship arrangements

To avoid relocation to a different state once granted a Protection visa, some young people arrange their own carer (sometimes via Facebook or other social networking) with someone with whom they only have a loose connection. Such carers may only be a few years older or are older adults with whom they have no connection at all. In some states, in the absence of service capacity to provide carer recruitment, training or support, the onus for finding a carer rests with the young person. This can result in carer arrangements that do not provide the type or level of care and support that young people need, that may breakdown and ultimately leave some young people at risk of homelessness. RCOA has also noted that some carers, although well intentioned, lack the capacity to provide the level of support needed by some young people.¹⁰

The MYAN is aware of several cases where carer arrangements have broken down and the young person has become homeless. While they had been offered crisis accommodation through an HSS case manager, this had not been suitable, and the state/territory child welfare authority had no capacity to provide any support, referring the HSS case manager to the (generalist) youth homelessness crisis line. Often the only accommodation available is crisis youth housing, which is often unsuitable and therefore unsustainable for this client group, even for short-term accommodation.

Lack of targeted support/transitional care arrangements for young people turning 18

Other issues have emerged in relation to UHMs turning 18, who are no longer entitled to the targeted support they were receiving while under 18 and under the guardianship of the Minister for Immigration and Citizenship. This group of young people are often unable to access the targeted and comprehensive support required to make a successful transition to independent living. In addition to the vulnerabilities experienced by many young people leaving state care, UHMs often do not have the community links and social capital necessary to navigate the transition to independence.

The MYAN is aware of a number of circumstances where services have not adequately managed the transition for this group of young people out of guardianship/care arrangements. Young people have not necessarily been given clear explanations of the changing arrangements (status of turning 18/becoming adults and therefore non-wards) and the implications this has on eligibility for some services (including services to which they had previously been entitled). In circumstances where they have not been supported to secure adequate or appropriate accommodation, this has resulted in some young people being at high risk of homelessness.

There is also a lack of clarity within the service system about whose responsibility it is to support young people in this transition and a lack of knowledge from some services about service eligibility for this group. Some young people are left to navigate the service system on

¹⁰ RCOA: 2012:46.

their own, with no service taking responsibility for providing support or facilitating referrals. Some services (e.g. those outside the settlement sector) that could provide support to this group of young people may be reluctant to do so as they assume that more appropriate or intensive support is available through the settlement sector. Additionally these services may be unfamiliar with the particular circumstances, needs and status of this group of young people, and have limited experience in working with young people from newly arrived or refugee backgrounds.

Legislative complexities/limitations

Some in the MYAN network commented that a number of legislative requirements in relation to guardianship (e.g. the types of decisions that can be made by carers or young people, independent of the guardian) can impact on a young person's settlement journey. These include impacting on their sense of identity and belonging in Australia and their transition to independence. In some jurisdictions, families/carers do not have the authority to sign citizenship forms or make decisions about young people moving to independent living as they are not the legal guardian (even though they may have provided care for many years, including prior to arrival in Australia).¹¹

This can exacerbate family conflict in situations where young people, like many other adolescents, are negotiating the developmental tasks of identity and belonging, but in a particularly challenging context (i.e. living with non-biological family and engaging in the process of settling in a new country). Some carers feel they are compromised in their authority and capacity to support a young person in their transition to independence. It can also mean that workers are compromised in their capacity to provide the support that young people need, as they balance requirements under guardianship legislation, with the needs of young people and their carers/families.

The following case demonstrates the problems this causes:

A young woman who is a ward, with guardianship delegated to the state welfare authority, has a carer who has cared for her for many years, including prior to arrival in Australia. The carer has applied for citizenship for her family, including the young woman, but does not have the guardianship authority to sign the young woman's citizenship forms as they need to be signed by the delegated guardian. This has caused confusion and misunderstanding within the family and the carer expressed that she felt unfairly judged given that she had signed a carer's agreement prior to arrival in Australia.

The MYAN is aware that, following recent amendments to the IGOC Regulations, DIAC has recently begun to implement arrangements for carers to be formally appointed as custodians. As custodians, carers are able to make decisions about the day-to-day care of minors in their care, and formal documentation around their appointment as custodian may assist them to exercise their authority in this regard.

¹¹ The MYAN understands that carers may seek formal legal guardianship under the relevant family law legislation. If formal guardianship arrangements were sought, consideration would be given to exempting the minor from the Minister's guardianship, in accordance with section 11 of the IGOC Act.

Additionally, there is sometimes a complex intersection between the IGOC Act and state/territory legislation, under which care/support is provided to wards of the state. Services to UHMs provided through state/territory child welfare agencies, are provided under Commonwealth legislation (under the IGOC Act). As wards of the Commonwealth rather than the state, UHMs (depending on the state in which they reside) may be unable to access additional services/supports available to wards of the state.

Further, the needs of and risks for young people who are UHMs (both on-shore and off-shore arrivals) are distinct from those of their Australian-born counterparts who enter the child protection system. The ‘system’ of child protection or care for young people living out of home (and the legislative context within which this system operates at a state/territory level), has been developed to provide care and support to Australian-born young people who are unable to live at home, and often the circumstances and support needs of UHMs, do not ‘fit’ this system.

Legislative complexities also impact on young people receiving the correct Centrelink entitlements – e.g. Independent Youth Allowance. The MYAN is aware of many instances where young people living with a carer have not been assessed as eligible to receive the Independent rate of Youth Allowance (due to interpretation of eligibility criteria in legislation) but on further investigation and advocacy, this assessment has been corrected and payments adjusted/back-paid.

It is the MYAN’s understanding that errors made in the initial assessment are often due to the complexity associated with the eligibility criteria for the Independent rate of Youth Allowance as it relates or applies to the circumstances of UHMs living with a carer (e.g. interpretation of clauses relating to parents, guardians or carers that don’t easily apply to UHMs). The MYAN is concerned that there are many young people not receiving payments to which they are entitled, because of an unfamiliarity from Centrelink staff with the circumstances of UHMs and how these ought to apply to the eligibility criteria.

Application for citizenship

There are also administrative hurdles related to a young person’s application for citizenship. Those who are non-wards cannot have their application for citizenship included with other ‘family’ members, unless one of those family members is the ‘responsible parent’ under law¹², and this results in higher application fees. In one case a man had carer responsibility for three minor relatives. He was not able to include them in his application for citizenship as he was not the legally ‘responsible parent’. They were required to submit four separate applications at significant additional cost.

The MYAN is also aware that once young people who are wards become citizens, they are no longer entitled to the support provided to wards through the UHM Program (as this is available only to non-citizens). This may create circumstances where young people who are wards need to decide between continuing to be ‘non-citizens’ and receiving support or becoming citizens and forgoing the support provided to wards. This is particularly

¹² That is, he did not have a parenting order, custody or guardianship, as defined in the Family Law Act 1975.

problematic given that citizenship affords specific rights and responsibilities and for many new arrivals, represents a significant step in the process of belonging and identifying as an Australian.

Transition out of community detention or other programs

A number of services have highlighted gaps in transitional arrangements for young people exiting community detention, raising concerns that the current transition arrangements do not always provide the support that young people need at a time of heightened vulnerability. Further, transitional care plans often lack important information in relation to support needs, including health, both mental and physical.

Many workers also highlighted the challenges associated with the different levels of support for young people in the community detention program and post the program. These challenges are largely associated with managing young people's (high) expectations of the service system/levels of support they can access upon exit from the community detention program.

Other workers highlighted the need to improve transition arrangements in and out of a range of programs, ensuring that appropriate support (including eligibility for a range of services or entitlements) is established in a timely and targeted way, in particular, for those young people 'leaving care', once they turn 18.

Implications of age inaccuracies

Inaccuracies or discrepancies in relation to young people's age is a common occurrence for young people arriving in Australia from refugee backgrounds¹³, regardless of their mode of arrival. In Australia, however, age is a frequent determinant of access and eligibility to services and entitlements, and models of service delivery are commonly structured around age criteria. As such, many in the sector have raised concerns about the implications for inaccurate understandings or assessments of a young person's age. These include: appropriate care and support arrangements, physical and mental health assessments, appropriate education or training support, and access to youth services.

While the MYAN understands that DIAC has an age assessment process to assess whether a young person is a minor¹⁴, and that accurate age determination is a challenge for many asylum seeker receiving countries, many in the sector are concerned at the number and implications of inaccurate age determination or assessment.

¹³ CMY:2007:1

¹⁴ DIAC uses document research where applicable, coupled with a focused interview in all cases to assess whether a client is under or over 18 years of age. All interviews are conducted with the assistance of an interpreter, in the presence of an independent observer and are digitally recorded with the agreement of the client. DIAC does not rely on bone scans and other physical investigations (such as dental examinations) for age determination. In considering an appropriate approach, DIAC decided to pilot an interview based assessment in addition to any evidence or information the client could provide relating to age. DIAC consulted widely on this approach and developed it with advice from the Council for Immigration Services and Status Resolution (CISSR). Prior to the pilot, the Department discussed the approach with the Ombudsman's Office, the Departmental Health Advisory Group (DeHAG) and the Australian Human Rights Commission. It is now a business as usual practice and endorsed by DeHAG, CISSR and the Commonwealth Ombudsman's office.

Recommendations

The MYAN proposes the following recommendations in order to better meet the diverse and complex needs of UHMs:

1. Development of a national framework for the care and support of UHMs. This would include guidelines for carer recruitment, responsibilities and support, as well as transition support arrangements for those young people exiting the UHM program. This framework would also recognise the importance of flexible models of care.
2. Review of guardianship arrangements, including delegation, custodian roles and responsibilities and the intersection between state and commonwealth legislation.
3. Expansion of the *Reconnect Program – Newly Arrived Youth Specialist* (previously known as Newly Arrived Youth Support Services, NAYSS), a targeted approach to supporting young people from newly arrived backgrounds who are homeless or at risk of homelessness, in identified areas of high refugee settlement.
4. Expansion of the Refugee Youth Support Pilot to all states and territories, supporting older UHMs to successfully transition to adulthood through the provision of tailored, youth-specific settlement services.
5. Greater targeting of mainstream programs (e.g. Youth Connections, Job Services Australia) to meet the needs of UHMs, particularly those exiting the UHM program.
6. Development of a targeted approach (in policy and program delivery) to support young people transitioning out of the UHM program at 18 years. This should be consistent with the kind of support provided to young people leaving state care, and include intensive support with a focus on addressing settlement and housing needs.
7. Targeted sector development activities for the settlement and generalist youth sectors, to build their capacity to better meet the needs of UHMs - increasing skills and knowledge, and developing partnerships to improve service coordination.
8. Ensure that DIAC SGP services, consistent with the new program focus on youth, are meeting the particular needs of UHMs.
9. Development of improved Centrelink assessment processes for UHMs applying for Youth Allowance and other benefits. This includes training for Centrelink staff about the needs of UHMs and complexities in relation to guardianship and care arrangements.

References

Centre for Multicultural Youth (2007), *Information Sheet: Does age really matter?* Centre for Multicultural Youth, Melbourne

Department of Immigration and Citizenship (2011), *Asylum Trends 2010-11 – Annual Publication*, Commonwealth of Australia

Refugee Council of Australia (2012), *Australia's Refugee and Humanitarian Program 2012-13: Community views on current challenges and future directions*, January 2012