



Submission to the Joint Standing Committee on Migration Inquiry into Migrant Settlement Outcomes

January 2017



Jesuit
Social Services
Building a Just Society

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Jesuit Social Services: Who we are

Jesuit Social Services works to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families, and communities.

Jesuit Social Services works where the need is greatest and where it has the capacity, experience and skills to make the most difference. Jesuit Social Services values all persons and seeks to engage with them in a respectful way, that acknowledges their experiences and skills and gives them the opportunity to harness their full potential.

We do this by working directly to address disadvantage and by influencing hearts and minds for social change. We strengthen and build respectful, constructive relationships for:

- **Effective services** – by partnering with people most in need and those who support them to address disadvantage
- **Education** – by providing access to life-long learning and development
- **Capacity building** – by refining and evaluating our practice and sharing and partnering for greater impact
- **Advocacy** – by building awareness of injustice and advocating for social change based on grounded experience and research
- **Leadership development** – by partnering across sectors to build expertise and commitment for justice.

The promotion of **education, lifelong learning and capacity building** is fundamental to all our activity. We believe this is the most effective means of helping people to reach their potential and exercise their full citizenship. This, in turn, strengthens the broader community.

Our service delivery and advocacy focuses on the following key areas:

- **Justice and crime prevention** – people involved with the justice system
- **Mental health and wellbeing** – people with multiple and complex needs and those affected by suicide, trauma and complex bereavement
- **Settlement and community building** – recently arrived immigrants and refugees and disadvantaged communities
- **Education, training and employment** – people with barriers to sustainable employment.

Currently our direct services and volunteer programs are located in Victoria, New South Wales and Northern Territory, and include:

- **Brosnan Services:** supporting young people and adults in the justice system, and assisting them to make a successful transition from custody back into the community. Within the suite of services are Perry House, Dillon House and Youth Justice Community Support Services.
- **Jesuit Community College:** increasing opportunities for people constrained by social and economic disadvantage to participate in education, work and community life and reach their full potential.
- **Settlement Programs:** working with newly arrived migrants and refugees across metropolitan Melbourne, including the African-Australian and Vietnamese communities.

- **Connexions:** delivering intensive support and counselling for young people with co-occurring mental health, substance and alcohol misuse problems.
- **Artful Dodgers Studios:** providing pathways to education, training and employment for young people with multiple and complex needs associated with mental health, substance abuse and homelessness.
- **The Outdoor Experience:** offering an alternative treatment service through a range of outdoor intervention programs for young people aged 15 – 25 years, who have or have had issues with alcohol and/or other drugs.
- **Support After Suicide:** supporting people bereaved by suicide, including children and young people.
- **Capacity building** activities in NSW (Just Reinvest project in Bourke) and the Northern Territory with Aboriginal communities to improve their situation and to have more control over their lives.

Research, advocacy and policy are coordinated across all program and major interest areas of Jesuit Social Services. Our advocacy is grounded in the knowledge, expertise and experiences of program staff and participants, as well as academic research and evidence. We seek to influence policies, practices, legislation and budget investment to positively influence participants' lives and improve approaches to address long term social challenges. We do this by working collaboratively with the community sector to build coalitions and alliances around key issues, and building strong relationships with key decision-makers and the community.

Our Learning and Practice Development Unit builds the capacity of our services through staff development, training and evaluation, as well as articulating and disseminating information on best practice approaches to intervening with participants across our programs.

Our recommendations

- We call on the Australian Government to ensure programs and policies affecting newly arrived migrants recognise the significant impact that migration and pre-arrival experiences have on individuals' settlement outcomes
- We recommend that amendments to the Migration Act 1958 introducing mandatory visa cancellations be repealed, to increase the capacity of the system to exercise discretion based on an individual's circumstances
- We strongly oppose any amendments to the Migration Act that would make mandatory the deportation of a person under the age of 18 who has committed a serious offence
- We recommend the Australian Government adopt approaches that promote greater flexibility for migrants completing their AMEP tuition, with particular consideration given to migrants that are responsible for young children
- We encourage more facilitated pathways between Humanitarian Settlement Services and Settlement Grants providers to ensure migrants receive adequate support to access services beyond the initial six-to-12 month post-arrival period
- We recommend the Australian Government amend the Humanitarian Settlement Services exit criteria to define long-term accommodation as securing a lease of at least 12 months in length
- We call on the Australian Government to recognise that settlement is a lifelong endeavour and fund flexible approaches towards supporting migrants, such as extending programs funded under Settlement Grants to be able to deliver services beyond the current five year post-arrival period of eligibility
- We call on the Australian Government to commit to place-based initiatives that address entrenched disadvantage, prevent social exclusion and help migrants build social connections
- We recommend the Australian Government adopt a community development and capacity building approach, using restorative justice practices and intensive interventions where necessary, to strengthen social cohesion for migrants engaging in anti-social behaviour

Introduction

Jesuit Social Services welcomes the opportunity to respond to the Joint Standing Committee on Migration Inquiry into migrant settlement outcomes.

Australia is one of the most culturally and linguistically diverse nations in the world. With almost a quarter of Australians born overseas, diversity is a central pillar of our national identity that should be recognised, welcomed and celebrated. We believe that every Australian should have access to the opportunities in life that will enable them to flourish – to complete their education, to get a job, to access safe and affordable housing, to raise their children in safe communities and to see the next generation thrive.

For 40 years Jesuit Social Services has been engaging effectively with successive waves of new migrant groups to improve personal resilience and build a strong sense of belonging and social cohesiveness.

Our programs in this space have included the Settlement Program and Homework Club working in western Melbourne with newly arrived communities to build capacity and a sense of belonging, our leadership programs for young people from African countries, and the African Australian Inclusion Program, supporting skilled migrants to gain local work experience and a sense of belonging. We also established the Catholic Alliance for People Seeking Asylum and Refugee Speakers Program, which work collectively to create greater understanding and compassion towards asylum seekers and migrants within the Australian community.

Jesuit Social Services has engaged extensively with the Vietnamese community through the delivery of justice programs at the Brosnan Centre, delivered the African Visitation and Mentoring Program assisting people from an African background involved with the justice system to transition successfully back into the community, and worked with Maori and Pasifika young people and their families living in and around South-East Melbourne to improve cultural connection, reduce crime and build employment pathways.

Recognising the impact of migration on an individual's experience of settlement is fundamental to the way we work with newly arrived communities to produce positive outcomes. Through our experience working with migrant groups we have come to appreciate that settlement is a lifelong endeavour with social cohesion the desired endpoint, and social exclusion indicating that the supports provided have been ineffective.

Working with new migrant groups facing social exclusion and disadvantage, we believe in adopting a community development, capacity building and restorative justice approach. By strengthening social cohesion, this approach will promote community safety and reduce anti-social behaviour.

Social cohesion

While there is no conclusive definition of social cohesion in the literature, the term can be understood as referring to positive social relationships at all levels.¹ The UN describes a socially cohesive society as one in which diversity is respected, and all groups have a sense of belonging, participation, inclusion, recognition and legitimacy.²

Social cohesion results in social capital, the glue that binds those within a society together.³ A cohesive society is well-placed to promote universal well-being, trust and a sense of belonging, and works

against exclusion and marginalisation.⁴ Social cohesion is particularly important in the context of positive migrant settlement due to its capacity to bind together people of diverse identities into an overarching national bond.⁵ Importantly, individuals who live in communities that experience high levels of social exclusion or low levels of social cohesion are at greater risk of becoming involved in crime.⁶

Australia is considered to be among the world's most cohesive multicultural nations.⁷ Australian attitudes towards multiculturalism are largely positive.⁸ However, as the Scanlon Foundation reveals in its *Mapping Social Cohesion 2016* report, there has been a "consistent increase" in negative responses to questions related to cultural diversity, though these remain the views of a small minority.⁹ Between 2015 and 2016, there has also been a marked upsurge in reported experiences of discrimination on the basis of skin colour, ethnicity or religion.¹⁰ Direct experience of overt racism has been found to be a leading cause for the social withdrawal of migrant youth from an African or Arabic-speaking background.¹¹

Members of migrant groups have reported substantial disengagement from Victorian society. Several overlapping factors contribute to this sense of disengagement, including difficulty adapting to the Australian education system, an inability to find employment, a lack of supporting programs, poverty, the traumatic backgrounds of many migrants, and discrimination from the broader community.¹² A further barrier to social integration for some recently arrived migrants is limited knowledge of the English language.¹³

Jesuit Social Services aims to strengthen social cohesion by addressing issues of belonging, leadership, social justice and equality, participation, acceptance and worth.

Pre-arrival challenges for migrants

Recognising the role that migration plays in an individual's experience of settlement is fundamental to the way Jesuit Social Services works with newly arrived communities to produce positive outcomes.

Our extensive experience working with newly arrived peoples - particularly the Vietnamese, Burmese, Tibetan, Eritrean, Ethiopian, Oromo, Amharic, Somali and South Sudanese communities - has revealed the significant impact that pre-arrival and migration experiences have on settlement outcomes.

Jesuit Social Services works with participants who have experienced significant trauma as a result of civil war, intergenerational conflict, displacement and extended periods of time living in refugee camps. Our Settlement Program receives referrals from the Victorian Foundation for Survivors of Torture (Foundation House) for participants who are currently seeking support to manage their past experiences of trauma.

For those forced to flee their country of origin, yearning for their culture, lives lost and family left behind can lead to the development of mental health issues such as depression and anxiety. Further to this, many of our participants have had limited access to education prior to their arrival in Australia and possess low levels of literacy and numeracy, adding to the stress of engaging with their new community.

Studies such as *Building a New Life in Australia*¹⁴ conducted by the Australian Institute of Family Studies demonstrate the pre-arrival experiences of newly arrived peoples. The first wave of the study was conducted with close to 2,400 respondents who had been granted a humanitarian visa to live in Australia, almost all of whom arrived in 2013. The study highlighted the disadvantage experienced by recently arrived migrants, finding that most participants reported relatively low levels of English language proficiency or education prior to arrival in Australia. Around 15 per cent of adult respondents reported having never attended school, and a further 34 per cent had fewer than 10 years of schooling.

Mental health findings in the study were also telling, with 89 per cent of participants reporting they or their family had experienced traumatic events (war, persecution, and/or extreme living conditions) prior to migrating. Thirty-five per cent of males and 45 per cent of females indicated moderate-to-high levels of psychological distress prior to conducting the survey and many participants reported they were separated from other family members wanting to come to Australia.¹⁵

These pre-arrival experiences impact on a migrant's ability to connect with family, friends and develop a sense of belonging in their new community.¹⁶ Past experiences of corruption and distrust amongst authorities and organisations may make engaging with law enforcement agencies overwhelming, and low literacy levels can lead to difficulty understanding new legal, social, economic and political structures.¹⁷

Pre-arrival and migration challenges play a significant role in an individual's experience of settlement. Understanding this is fundamental to the way we work and Jesuit Social Services consistently aims to engage participants from a person centred, trauma-informed and strengths based approach. While policy makers and service providers must necessarily look for common understandings, themes and trends when working with newly arrived people, it is crucial that we never lose sight of the person who remains at the centre of our response. Jesuit Social Services is always seeking to bring the person to

the forefront of our considerations, and to influence others to take a broad, rich view of the human reality that often lies behind the statistic.

We call on the Australian Government to ensure programs and policies affecting newly arrived migrants recognise the significant impact that migration and pre-arrival experiences have on individuals' settlement outcomes

An amendment to section 501 of the *Migration Act 1958 (the Act)* that came into effect in December 2014 increased the power of the Minister for Immigration to cancel visas. The amendment introduced new grounds for failing the character test, as well as a new mandatory cancellation.¹⁸ The new laws mean the Department of Immigration and Border Protection must automatically cancel a person's visa if they have a 'substantial criminal record' which includes being sentenced to 12 months or more imprisonment, sentenced to death, sentenced to life imprisonment, and/or convicted of sexual offences against a child.

Jesuit Social Services believes the amendments have created a very low threshold for visa cancellation for some people, so that serving 12 months for an offence results in the same response as a person who has been sentenced to death or life imprisonment. The amendments have created an environment in which a person may be caught in the net-widening effects of changes to the Act. This is of particular concern if a visa cancellation is applied to a parent, with the risk of separation from children and other family members due to a person's detention and/or removal from Australia, resulting in possible breaches of articles 17 and 23 of the International Covenant on Civil and Political Rights.¹⁹

Additionally, Jesuit Social Services strongly opposes any amendments to the Act that would mandate the deportation of people under 18 who have committed serious offenses. We believe that by adopting a community capacity building lens, using restorative justice practices and intensive interventions where necessary, we can effectively tackle the criminogenic factors driving the at-risk or offending behaviour of young people from migrant communities.

We recommend that amendments to the Migration Act 1958 introducing mandatory visa cancellations be repealed, to increase the capacity of the system to exercise discretion based on an individual's circumstances

We strongly oppose any amendments to the Migration Act that would make mandatory the deportation of a person under the age of 18 who has committed a serious offence

Barriers to successful settlement outcomes

Engaging with newly arrived migrant groups over a period of 40 years, Jesuit Social Services has come to appreciate that settlement is a lifelong endeavour. The barriers to successful settlement are varied and complex and may include discrimination, prejudice, and a lack of stable housing and access to services, language proficiency, education and employment. For an individual, certain barriers may

require more attention in the initial stages of settlement and be overcome, while some barriers may remain as a constant challenge.

Discrimination

Discrimination, racism and prejudice are barriers that many migrants have faced. Participants in Jesuit Social Services' Settlement Program and African Visitation and Mentoring Program have reported feeling discriminated against across multiple domains including engaging with police, accessing services, travelling via public transport, seeking employment and securing stable housing. The issue of racial profiling by police has been well-publicised over recent years, a pertinent example being the Haile-Michael and Others v. Commissioner of Police and Others race discrimination case held in February 2013. In this case, six young people of African descent claimed that Victoria Police had engaged in unlawful racial profiling practices. Analysis of police data from 2006 – 2009, released in reports following the case, identified that young African Australians living in Flemington were almost two and half times more likely to be stopped by police than people from other cultural backgrounds.²⁰

Employment

Discrimination also extends to the employment sector. Employment fosters broader participation in society, provides a sense of purpose, and creates opportunities for migrants to become contributing members of the community. Employment is understandably one of the crucial barriers that must be overcome to ensure positive settlement outcomes, given that the financial strain on newly arrived peoples can be significant. Jesuit Social Services' participants have indicated that financial pressure comes from multiple sources including the lack of a broader family network of financial support, the responsibility of sending financial aid back to their country of origin, and the expense of public transport, utilities, and education materials for children, exacerbated if from a large family.

Prejudice presents a significant barrier to gaining employment. A study conducted with 72 members of the South Sudanese community seeking employment in the Australian Capital Territory found that almost all (89 per cent) of the participants experienced racism in the process of looking for a job. Participants commonly confronted complaints regarding their 'strong accents'. Many of the job seekers were university graduates, and as a result of the difficulty in gaining employment they began to question the intrinsic value of their qualification.²¹

Based on our experiences engaging with migrant communities seeking employment, Jesuit Social Services formed a partnership with the National Australia Bank (NAB) in 2009 to establish the African Australian Inclusion Program.

African Australian Inclusion Program (AAIP)

1. We provide African-Australians with corporate sector experience

- There are systemic barriers to entry to the Australian corporate workplace for qualified African-Australians – including lack of Australian experience, non-recognition of qualifications, lack of business networks and bias (both conscious and unconscious).
- The program provides African-Australians with the opportunity to showcase their capabilities as well as specific development to become effective, independent professionals working in their chosen field.
- The roles include finance, IT, business administration, business analysis, corporate responsibility, project management, marketing and customer contact.
- Through AAIP, participants:
 - undertake a paid internship in their chosen field
 - immerse themselves in Australian workplace culture and build powerful professional networks
 - receive mentoring to achieve assigned tasks and duties
 - work with a coach to achieve broader career goals
 - at a minimum, obtain a professional reference at the end of their placement

2. We offer career coaching to ensure job success beyond the program

- With the help of NAB career coaches, AAIP's impact lasts beyond the program itself.
- Participants work with a coach to help them achieve broader careers goals and search for job opportunities both within and outside NAB once the internship is complete.
- The program has been running since 2009, with 268 participants over that period. NAB has retained nearly 70% of all participants after their internships – in either permanent or contract roles - with another 15+% finding work in their chosen field outside NAB.

3. We collaborate with business for stronger collective impact

- AAIP shows how the social and business sectors can collaborate to achieve a stronger collective impact.
- The program delivers genuine shared value that benefits participants, NAB and the broader community – for example as role models for younger African-Australians.
- AAIP's success has been recognised with several awards, including:
 - Diversity@Work (2010)
 - Melbourne Awards – City of Melbourne (2011)
 - Australian Human Resources Institute Diversity Award (2012)
 - Victorian African Community Award (2013 and 2014).

Language, education and access to services

Language is a significant barrier to overcome as a newly arrived migrant, and one that extends to almost all other domains of settlement. Although the Adult Migrant English Program (AMEP) provides up to 510 hours of English language tuition, Jesuit Social Services' participants have indicated this is less than adequate to obtain a level of English that allows an individual to confidently engage with employers and service providers.

For migrants who are also parents, the capacity to attend AMEP tuition and complete it within five years of commencement can be limited because of the demands of raising young children in a new

country. Attending AMEP tuition thus comes with the added responsibility of organising childcare or alternative arrangements for the care of children.

We recommend the Australian Government adopt approaches that promote greater flexibility for migrants completing their AMEP tuition, with particular consideration given to migrants that are responsible for young children

Engaging with Australian service systems such as Centrelink and Medicare can be difficult not only because of language proficiency, but also because of the complexity of the systems. As the Humanitarian Settlement Services (HSS) program tends to only offer support engaging with services within the first six to 12 months of arrival, migrants can be left to engage with these services without support and without the confidence to do so. Although migrants are able to be referred to a Settlement Grants provider for support following the six to 12 month period, in our experience, more facilitated referral pathways between HSS and Settlement Grants providers are required to ensure migrants receive consistent and adequate support to access services.

We encourage more facilitated pathways between Humanitarian Settlement Services and Settlement Grants providers to ensure migrants receive adequate support to access services beyond the initial six-to-12 month post-arrival period

For newly arrived migrants, engaging with education providers can be onerous due to unfamiliarity with formal education structures as well as year level generally being determined by age rather than actual level of educational attainment.²²

Housing

Similarly, accessing housing presents its own difficulties, particularly the challenge of securing long-term and stable accommodation. Jesuit Social Services works with migrants who are in need of support to access secure housing including women who have experienced family violence. We work with newly arrived migrants who report experiencing discrimination when engaging with public housing providers without the support of a caseworker.

Participants of our programs have also indicated that although securing a six month rental property lease generally meets the exit criteria for the HSS program, this is a relatively short period of time that does not guarantee stable housing and can leave an individual vulnerable should they fail to secure a subsequent lease.

We recommend the Australian Government amend the Humanitarian Settlement Services exit criteria to define long-term accommodation as securing a lease of at least 12 months in length

Working effectively with newly arrived communities

In the western suburbs of Melbourne, Jesuit Social Services delivers the Settlement Program to support newly arrived people in overcoming these barriers, working to build capacity and foster a

sense of belonging. Our staff work with individuals, families and groups in the areas of casework support, referrals and community development. Through individual casework, we develop people's ability and confidence to access support services, facilitate independence, enhance living skills and promote meaningful community engagement. We also refer people to local networks and services, such as those providing housing support and cultural linkages.

Case study: Settlement Program

Faysal* is a young man from Eritrea who arrived in Australia on an orphan visa as a teenager. Faysal was sponsored by his uncle following the passing of both his parents.

Upon arrival Faysal began living with his guardian, however, he soon experienced domestic violence, verbal abuse and controlling behaviours from his guardian. He continued to attend school and eventually left home at which point he began receiving support from a youth homelessness service. Faysal was supported through this service for a number of years and flourished during this period, attending school, engaging in counselling, working part-time and maintaining connections to his community.

Eventually Faysal was to become ineligible for his existing accommodation due to the particular age limit of the service. Jesuit Social Services' Settlement Program received a referral for Faysal with the primary focus of assisting him to secure long term housing.

The Settlement Program began working with Faysal, coordinating with other support services he was accessing at the time. Program staff provided Faysal with individual and tailored casework support which included:

- a referral to a housing provider to secure accommodation;
- obtaining material aid;
- developing independent living skills;
- applying for employment, private housing and citizenship; and
- navigating service systems.

Through the support of the Settlement Program, Faysal has managed to secure a transitional housing arrangement and is proactive in managing his life goals. He keeps his home in excellent condition, and despite his house being broken into, has shown great resilience in being able to replace items that were stolen and feel safe in his home again.

Faysal enjoys a social life, has recently joined a gym and maintains connections with his family and community. He works part-time, is currently studying and is looking to undertake further studies in the future. With the support of Jesuit Social Services, Faysal has worked to overcome many of the barriers to successful settlement and is positive about his own future in Australia.

*Not his real name

As part of the Settlement Program, our community development programs increase people's knowledge and understanding of topics essential to settling into life in Australia. Topics we cover include health advice, parenting support, the impact of the journey to Australia, education and English language support, and advocacy. We run facilitated groups, workshops and information sessions based

on participant-identified need, including specific groups for women, elderly people and youth. We also run a regular Homework Club, where volunteers offer education support to primary and secondary school students.

The Homework Club engages some volunteers who have themselves undertaken the settlement process and can provide support to participants based on learnings from their own lived experience. Importantly, the Homework Club has flexibility to engage participants that have lived in Australia for more than five years yet still require support to engage in education and overcome the diverse challenges faced throughout settlement.

Jesuit Social Services believes that settlement is an individualised, complex and lifelong endeavour. Some challenges will be overcome, while some will be overcome and then return; therefore our response must be adaptable and based on a person's unique support needs. We believe that services funded under Settlement Grants - like the Settlement Program - should be able to respond to the settlement needs of migrants beyond the current post-arrival five year period of eligibility. Settlement services and the legislation that govern them must allow for tailored and flexible supports that mirror the non-linear journey towards successful settlement.

We call on the Australian Government to recognise that settlement is a lifelong endeavour and fund flexible approaches towards supporting migrants, such as extending programs funded under Settlement Grants to be able to deliver services beyond the current post-arrival five year period of eligibility

Building social cohesion and supporting those in need

For 40 years Jesuit Social Services has engaged with successive new waves of migrants to provide settlement outcomes that build a strong sense of belonging and social cohesiveness. Effective settlement leads to social cohesion, and a cohesive society is well-placed to promote universal well-being, build trust and a sense of belonging, and work against exclusion and marginalisation.²³

Conversely, ineffective settlement contributes to social exclusion. Individuals who live in communities that experience high levels of social exclusion are, amongst other adverse outcomes, at greater risk of becoming involved in crime.²⁴

Jesuit Social Services advocates for place-based approaches that support local communities to develop their own community goals and lift community participation and wellbeing. Place-based initiatives bring the community together. For new migrants, this helps people build social connections and prevents isolation. Bringing the community together also fosters belonging and engagement, giving refugees and migrants a sense of control and purpose in their lives. Building trust, belonging and community engagement are essential elements in fostering social cohesion, helping people feel safe, included and valued in society.

We call on the Australian Government to commit to place-based initiatives that address entrenched disadvantage, prevent social exclusion and help migrants build social connections

Engaging with people involved in anti-social behaviour

Jesuit Social Services has extensive experience engaging with young people from migrant communities who have experienced social exclusion and become involved in crime. It is critical that the underlying drivers of criminal behaviour are addressed in a holistic manner. We believe that preventative approaches that adopt a community development, capacity building and restorative justice lens offer the most effective way to do this, accompanied by intensive interventions that target the young people engaged in offending behaviour, their families and communities.

For example, Jesuit Social Services' Youth Justice Group Conferencing program enables dialogue between young people who have offended, their victims and the wider community. The program is grounded in principles of restorative justice, which emphasise reparation and restoration²⁵, and aim to:

- raise the young person's understanding of the impact of their offending on the victim, their family and/or significant others and the community
- reduce the frequency and seriousness of re-offending by the young person completing the program
- improve the young person's connection to family/significant others and their integration into the community
- negotiate an outcome plan that sets out what the young person will do to make amends for their offending
- increase victim satisfaction with the criminal justice process
- divert the young person from a more intensive sentence²⁶.

Youth Justice Group Conferencing is a problem-solving approach to offending that emphasises the offender's personal accountability, adopts an inclusive decision-making process that encourages participation, and aims to right the harm caused by an offence.²⁷

A 2010 KPMG independent evaluation of young people who completed a Youth Justice Group Conference between 2007 and 2009 found that more than 80 per cent of participants had not reoffended two years later – this compared to 57 per cent for the comparison group (i.e. young people who had been placed on Probation or on a Youth Supervision Order).²⁸

Our Youth Group Conferencing program has recently been handling a number of cases involving alleged gang-related young offenders (17-18 years old) who have committed aggravated burglary. Several of these conferences have been remarkably successful on a number of levels:

- The police, the victim (or a representative), and the young person's family members have attended the conferences
- The young people have listened to the victims, and have acknowledged the impact of their conduct on the victims' lives, indicating insight and expressing remorse and a desire and intention to change their behaviour
- The police and victims have told the young people that they want to see them change their behaviour and to lead good lives, so that they do not cause harm to anyone else in the future
- Following the conferences, several of the young people - including those considered to be 'persistent' gang-related offenders - have re-engaged with education or employment,

improved family relationships, addressed drug use and distanced themselves from negative peers.

These conferences have also been successful with regard to victim empathy:

- Convenors have noted that participants expressed some level of remorse and victim empathy, as well as a strengthened understanding of the context of their offending and impact on victims, family and the community.
- During the Group Conferences, a majority of the participants demonstrated either good or excellent insight into their behaviour and the impact their offending had on the victim(s).
- A quarter of the participants initially lacked insight and understanding, however were able to improve their levels of insight, empathy and remorse throughout the process

Case study: Youth Justice Group Conferencing

Group Conference regarding Aggravated Burglary – 17 year-old - Gang related matters.

Family support - Victim attended - Detective attended.

Young person stated:

*I feel so bad for doing this. I think it's just rude. In a thousand years I would never break into someone's house again. I am very sorry for what happened. It's not who I am". He went on to say he "felt ashamed, scared, too scared to go to police. I thought I was a criminal. I was too scared to apologise to the victim". Reflecting more on the victim impact, he stated "I really scared them because I went into their home. *** was really angry with me because he felt like he couldn't protect his wife, I am here to show them that I am not who they think I am. I am disappointed with myself.*

The victims' reaction to this was to state:

I feel you are very genuine. You have to understand how we feel. You came into our house and took our belongings. You said you were so drunk but you weren't too drunk to come in and take our stuff." After hearing more of the young person's life story, the victim's partner added "You seem like a decent kid. If you need help I would be happy to do that. I came angry but I am not now. You don't have a face of a criminal". The victim then concluded by saying "You are a good kid. I can see it. Be proud of yourself. Enjoy life.

The young person apologised, saying

"I am very sorry for what I've done. I feel bad for how I have affected you. You are genuine people. I will pray for you tonight."

When discussing an outcome plan, the victim stated

"we don't need anything from you other than you are doing well. It's (Group Conference) been a big success, it's good for us and [the Detective] to see the good person in you."

At the conclusion of the Group Conference the victim stood up and asked to hug the young person and his family.

The young person wanted to create a piece of art for the victim as his way of saying sorry.

In addition to the Youth Justice Group Conference program, Jesuit Social Services engages with Maori and Pasifika young people and their families living in and around South-East Melbourne to improve cultural connection, reduce crime and build employment pathways.

We also deliver the African Visitation and Mentoring Program (AVAMP), providing voluntary mentoring support to people from African backgrounds who are or have been imprisoned in Victoria. Mentors are volunteer community members, many from the African community of Victoria, who are trained and supported by Jesuit Social Services to visit a participant on a fortnightly to monthly basis – both during their incarceration and after their release back into community. Mentors provide practical and emotional support and aim to develop a positive relationship with the participant that will assist their transition back into mainstream community. AVAMP strives to create circles of support and increase social connection by encouraging participants to re-engage positively with community and family, with the aim of reducing recidivism.

Jesuit Social Services believes that responses to ineffective settlement should focus on promoting community safety and reducing anti-social behaviour by strengthening social cohesion. From our extensive experience engaging with people from migrant communities who have become involved in crime, we encourage the following approaches:

- *A community development and capacity building approach* – partnering with local communities and respected leaders, including youth leaders, to assist them to identify at-risk youth, as well as implement effective community development and education, training and employment programs to:
 - build community resilience and safety
 - address underlying drivers of young people’s challenging behaviour, and
 - facilitate pathways to purposeful activity (i.e. education, training and employment).
- *Restorative practices* – working with frontline staff to identify young people early on (such as at the police cautioning stage) and then engage with young people to help them understand the potential harm of their actions on individuals, families and the broader community through a restorative justice approach.
- *Intensive interventions* – target young people engaged in serious offending behaviour, their families and community.

By adopting a community capacity building lens, using restorative justice practices and intensive interventions where necessary, we can effectively tackle the criminogenic factors driving the at-risk or offending behaviour of young people from migrant communities. Supporting local communities to develop their own solutions is critical to achieving this.

We recommend the Australian Government adopt a community development and capacity building approach, using restorative justice practices and intensive interventions where necessary, to strengthen social cohesion for migrants engaging in anti-social behaviour

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