



Submission to the inquiry on the *'Australian
Citizenship Legislation Amendment (Strengthening
the Requirements for Australian Citizenship and
Other Measures) Bill 2017'*

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Jesuit
Social Services
Building a Just Society

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Introduction

Jesuit Social Services welcomes the opportunity to put forward our views to the Australian Senate Legal and Constitutional Affairs Committee inquiry on the *Australian Citizenship Legislation Amendment (Strengthening the Requirements for Australian Citizenship and Other Measures)* Bill 2017 ('the bill').

Jesuit Social Services is concerned that a number of items in the bill may have an adverse impact on migrants from vulnerable backgrounds, such as refugees and humanitarian entrants. We consider that these items may, counter-productively, undermine our nation's long-held bipartisan commitment to multiculturalism as well as efforts to foster social cohesion.

In our understanding, citizenship recognises the power and variety of the relationships that link Australians to one another. It does not create a relationship to Australia but puts a seal on relationships to place, people, institutions and communities that are already being formed. It should be the normal presupposition that people residing for a long time in Australia will be granted citizenship.

We recognise the significance of English language proficiency for migrants, as it is the common language in Australia necessary for engaging in public life and commerce. It is important that everyone has the opportunity to learn English, in addition to their other languages, as it facilitates and shapes the relationships that constitute Australia. However, the diversity of spoken languages should also be appreciated as a sign of the richness of these relationships. These languages embody the variety of our origins; they are a gift. For migrants, learning a new language and entering a new culture is a process. It is not appropriate to link citizenship to arbitrarily defined stages in that process; rather, the Government's role is to foster that process.

Integration into a society occurs in the establishment of a network of interlocking relationships and in finding a place in one's community. It is threatened when these relationships are blocked by illness, neglect or prejudice. The capacity of migrants to positively contribute to their community can often be undermined by systemic barriers to educational opportunities and workforce participation. A lack of integration should not be used as a reason for denying citizenship, but seen rather as a sign of a need to be addressed as part of the process of 'good settlement'.

While the Government's intention, in introducing this bill, may be to encourage the greater integration of newly-arrived migrants into the Australian community, we believe it will have a disproportionately adverse impact on the citizenship prospects of refugees and humanitarian entrants (who already face unique barriers to participation in the Australian community) and will only serve to contribute to the further exclusion and marginalisation of some of the most vulnerable members of our society.

We believe that the bill should be adjusted accordingly to take into account the unique circumstances of these vulnerable groups, particularly in those items relating to the English language, citizenship test and integration requirements. The bill's introduction should also be accompanied by a meaningful commitment to strengthening social cohesion, by addressing systemic barriers to the full participation of vulnerable migrant groups, such as refugees and humanitarian entrants, in the Australian community.

Jesuit Social Services: Who we are

For 40 years Jesuit Social Services has been working to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families, and communities. This includes working with successive waves of new migrant groups to improve personal resilience and build a strong sense of belonging and social cohesion.

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.

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.

In the western suburbs of Melbourne, Jesuit Social Services delivers the Settlement Program (under the Australian Government's Settlement Grants Programme) to support newly arrived people build capacity, overcome barriers and foster a sense of belonging. Our staff work with individuals, families and groups in the areas of casework support, referrals and community development. We also administer a regular Homework Club, where volunteers offer education support to primary and secondary school students, who are primarily from families with refugee and humanitarian entrant backgrounds.

In 2011, we established Jesuit Community College in order to engage more effectively with highly disadvantaged and disengaged groups within the community, including newly-arrived migrants, and to support them on pathways into education, training and employment. In particular, the College promotes the social inclusion of newly-arrived migrants through the provision of English language classes. Other programs relating to disadvantaged migrants have included:

- leadership programs for young people from African countries
- the African Australian Inclusion Program, which supports skilled migrants to gain local work experience and a sense of belonging
- the Refugee Speakers Program
- the Catholic Alliance for People Seeking Asylum, which works to foster greater understanding and compassion towards asylum seekers and migrants within the Australian community.

Our direct experience with disadvantaged people informs our advocacy work, in giving voice to their experiences and in seeking to influence and contribute to Government thinking, policy and legislation on matters that impact them.

Our recommendations

- We recommend removing the specification of ‘competent’ in the English language requirement introduced in this bill, and replacing it with a term less aligned to IELTS band scores, to ensure the Minister’s determination on satisfying this requirement can be flexible in making appropriate concessions to vulnerable migrant cohorts.
- We recommend the new measures enabling the Minister to make a determination establishing eligibility requirements for sitting the citizenship test be removed from the bill.
- We recommend the items omitting the current exemption for people under the age of 18 from the ‘good character’ requirement be removed from the bill.
- We recommend the items granting the Minister new powers to make decisions on ‘good character’ that are unreviewable by the AAT and to set aside AAT decisions be removed from the bill.
- 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 approaches that promote greater flexibility for migrants completing their AMEP tuition, with particular consideration given to migrants that are responsible for young children.
- We call on the Australian Government to explore options to more proactively assist newly-arrived migrants undertake English language classes.
- We recommend the Australian Government promotes and facilitates initiatives that foster workplace inclusion for disadvantaged migrants, including paid internship programs and intensive employment coaching.
- 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.
- We call on the Australian Government to provide pathways for TPV holders to achieve permanent residency, and ultimately Australian citizenship.

Strengthening the bill

English language requirement

The bill introduces a new requirement for applicants to have a ‘competent’ level of English language proficiency, in order to be eligible for Australian citizenship. It gives the Minister the power to make a determination, by legislative instrument, on how this requirement will be satisfied. The bill’s explanatory memorandum indicates that the determination will be similar to other instruments referring to specific band scores under the international English language testing system (IELTS) required for certain visa subclasses.

The specification of ‘*competent* English’ in the bill suggests that the Minister’s determination will necessarily require applicants to be measured against band score six (‘competent’) of IELTS. This is a relatively sophisticated level of English language proficiency, whereby the user “has an effective command of the language” and can “understand fairly complex language”. It is the same standard required for university entrance. This particularly high standard of English language proficiency creates a significant challenge for vulnerable migrants, particularly those who have arrived under humanitarian and family visa streams.

Jesuit Social Services recognises that English language proficiency is an important building-block for recently-arrived migrants in establishing their new lives and integrating into the wider Australian community. Speaking English is empowering: it enhances migrants’ personal agency so that they can engage confidently and independently with government and community services, to enter the workforce and to actively participate in their community. Having sufficient English language proficiency provides a pathway towards education, vocational training and employment. It allows a person to develop supportive community links and participate meaningfully in the democratic process.

We recognise that the policy intention for introducing English language testing to citizenship eligibility requirements may be to provide an incentive for newly-arrived migrants to develop their language skills. However, in our experience, English language proficiency is already valued highly by prospective citizens for the significant social and economic benefits it offers.

We are aware that, despite their motivation and efforts, some migrant groups face significant barriers to achieving English language proficiency. In particular, refugees and humanitarian entrants face unique challenges. Given their visa pathways, they are more likely to be drawn from lower socio-economic backgrounds with limited education, and are often trauma-affected. These factors can significantly impact on their ability to achieve adequate English language proficiency, regardless of their investment of effort. We believe that refugees and humanitarian entrants should not be penalised for their challenges in attaining adequate English. Rather, their unique circumstances warrant a special concession in this requirement, so that it may be realistically achievable for them.

We consider that the bill should give the Minister a greater degree of flexibility in determining how the English language requirement may be satisfied. This could be achieved by removing the specification ‘competent’ from the bill’s English language requirement, so that it is not aligned to a specific IELTS band score that may well prove unachievable for many migrants. This would allow the Minister greater flexibility, under the determination, to adjust the requirement as appropriate and make special concessions for vulnerable migrants, where necessary.

This means the Minister’s determination would be free to make a special concession to vulnerable migrants from refugee and humanitarian stream visas, which we consider appropriate, so that the requirement may be satisfied, for example, by either:

- Demonstrated effort, through recorded attendance at English language classes; or
- Achievement of a more realistic level of English language proficiency, namely ‘limited user’ (IELTS band score four).

We recommend removing the specification of ‘competent’ in the English language requirement introduced in this bill, and replacing it with a term less aligned to IELTS band scores, to ensure the Minister’s determination on satisfying this requirement can be flexible in making appropriate concessions to vulnerable migrant cohorts.

Citizenship test

The bill introduces a new measure to enable the Minister to make a determination establishing eligibility requirements for sitting the citizenship test. The bill’s explanatory memorandum suggests the intention of this new power is to allow the Minister to determine that those who have repeatedly failed the citizenship test are not eligible to sit it again. The Australian Government’s *‘Strengthening the test for Australian citizenship’* discussion paper suggests that this determination may set a two-year bar from eligibility to sit the Citizenship test after repeated failure. We consider that such a bar is counter-productive.

Repeated attempts to pass the citizenship test should be viewed as an indication of a person’s enthusiasm for belonging to the Australian community, and as demonstrating a hopeful sign of their loyalty and allegiance to Australia. Applicants from refugee and humanitarian visa stream backgrounds have historically had a lower pass rate than other applicants, indicating their relative disadvantage in engaging with this test and the importance of alternate means of testing (such as the current course-based test, which is tailored to the needs of vulnerable applicants).¹

Deeming a person ineligible to sit the citizenship test, on the basis of repeated failed attempts, may only serve to amplify the exclusion and marginalisation already experienced by vulnerable migrant cohorts. We support, instead, more flexible efforts to promote and facilitate the inclusion of prospective citizens into the Australian community.

We recommend the new measures enabling the Minister to make a determination establishing eligibility requirements for sitting the citizenship test be removed from the bill.

The 'good character' requirement

The bill makes several significant changes to the 'good character' requirement for Australian citizenship. Most notably, it extends the requirement to minors and reduces the oversight of the Administrative Appeals Tribunal (AAT) on this matter. Jesuit Social Services opposes both of these changes.

At present, the 'good character' requirement is applied only to those over 18 years of age. The bill will remove this qualification so that all applicants, regardless of age, are subject to establishing their 'good character'. While in practice this may apply only to those aged over 16 and, the Bill's *Statement of Compatibility with Human Rights* suggests it could also apply to children as young as 10.

We consider that this change is counter-productive. It does not take into account the complex circumstances of young offenders, nor their significant prospect for rehabilitation once effective interventions are made. Further, this approach will only serve to marginalise young, vulnerable migrants who may already feel alienated from their community.

We recommend the items omitting the current exemption for people under the age of 18 from the 'good character' requirement be removed from the bill.

At present, decisions to refuse citizenship applications based on the 'good character' requirement, made either by the Minister or their delegate, are subject to review by the AAT, which is empowered to set decisions aside where this is appropriate. This provides balance to the consideration of the 'good character' requirement from an independent tribunal. The bill introduces some significant changes to the AAT's review powers, whereby decisions made by the Minister personally in the 'public interest' will not be reviewable by the AAT. Where decisions are reviewable, the bill introduces a new power for the Minister to personally set aside AAT decisions, if this is in the 'public interest'.

These changes dramatically shift the power balance in favour of the Minister's consideration of 'good character'. The explanatory memorandum indicates this is in response to previous AAT decisions concerning character, which the Government disagrees with. This effectively means that the 'good character' assessment will ultimately be determined solely by the Minister of the day, without regard for the input and consideration of an independent tribunal.

We consider that the independent oversight of the AAT, on the 'good character' requirement, remains important for ensuring these decisions are not unduly affected by political considerations nor subject to arbitrary whim.

We recommend the items granting the Minister new powers to make 'good character' decisions that are unreviewable by the AAT and to set aside AAT decisions be removed from the bill.

Strengthening social cohesion

Jesuit Social Services calls on the Australian Government to further develop ways to promote social cohesion and actively foster pathways for inclusion, rather than introduce legislative bases to exclude people from Australian citizenship.

Jesuit Social Services is concerned that the Australian Government's attempt to 'strengthen the test for Australian citizenship' may inadvertently create a large underclass of non-citizens who are excluded from a shared sense of belonging and unable to take up the rights and responsibilities of Australian citizenship (at least until they meet one of the exemption clauses). The exclusion of such a large section of the community from full civic participation would diminish us as a whole.

From our experience of working with disadvantage communities across Australia, we recognise that individuals who live in communities experiencing high levels of social exclusion are, amongst other adverse outcomes, at greater risk of becoming involved in crime.² Members of migrant groups have reported substantial disengagement from Australian society. Several overlapping factors contribute to this sense of disengagement, including difficulties 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.³ 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.⁴ 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.⁵

A meaningful promotion of integration into the Australian community should involve working to address the underlying causes of social exclusion through place-based responses, and in fostering employment pathways for disadvantaged migrants.

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

We welcome the Australian Government's increased focus on English language proficiency as a means for migrants to achieve greater civic participation and to promote social cohesion more broadly. However, we consider that the increased English language requirements for citizenship eligibility must be matched by commensurate support for assisting migrants to access English language classes. 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.

We call on the Australian Government to explore options to more proactively assist newly-arrived migrants undertake English language classes.

Jesuit Social Services notes the significant barriers to employment faced by disadvantaged migrant groups, such as refugees and humanitarian entrants, which can limit their sense of integration into the Australian community. For these groups, employment fosters broader participation in society, provides a sense of purpose, and creates opportunities to become contributing members of the community.

The introduction of an integration requirement should be accompanied by strong commitment, with sufficient resourcing, to increasing the employment prospects of newly-arrived migrants, particularly refugees and humanitarian entrants. This may be achieved by supporting and expanding existing initiatives that cultivate workplace inclusion for disadvantaged migrants, such as tailored internship and employment coaching programs.

For example, based on our experiences engaging with migrant communities seeking employment, Jesuit Social Services formed a partnership with the National Australia Bank in 2009 to establish the African Australian Inclusion Program (AAIP; see caption below).

The AAIP fosters workplace inclusion for disadvantaged and underemployed skilled African migrants by addressing the initial barriers, such as prejudice and discrimination, which can often prevent entry into the Australian workforce. While the AAIP produces a social good, in broadening the employment prospects of disadvantaged migrants, it also provides significant benefits to the private sector in opening up an untapped labour market of talented workers. The program has been successful because it offers the private sector partner the competitive advantage of bringing experienced, skilled, yet underemployed, job seekers to their attention. It also serves to benefit the private sector through workplace diversification, in boosting staff morale and in enhancing corporate reputation.

This innovative approach promotes the integration of disadvantaged migrant groups, which have historically faced discrimination and exclusion, into the Australian community. It demonstrates that disadvantaged migrants can achieve secure employment, thereby enhancing their economic and social participation in their community, once they are given the chance to overcome entry barriers.

Jesuit Social Services believes that more dedicated internship programs should be developed, adapted from the AAIP model, to offer other disadvantaged migrants corporate work experience and an induction into Australian workplace culture and practice. In addition, there is scope for the community sector, with adequate government funding, to develop intensive employment coaching programs, tailored to disadvantaged migrants. Such intensive employment coaching can be valuable in preparing job-seekers for entry into Australian workplace culture and in supporting new workers and their employers in the early stages of employment.

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).

We recommend the Australian Government promotes and facilitates initiatives that foster workplace inclusion for disadvantaged migrants, including paid internship programs and intensive employment coaching.

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 restoration⁶, 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 sentence⁷.

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.⁸

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).⁹

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

Jesuit Social Services would like to highlight that there is a large group of vulnerable migrants, likely to remain indefinitely in Australia, who have no prospect of enjoying Australian citizenship; namely, refugees on Temporary Protection visas (TPV), who are not eligible for a permanent residency pathway. Their continued exclusion from full civic participation can only serve to further marginalise this very vulnerable group and ultimately undermine social cohesion.

We call on the Australian Government to provide pathways for TPV holders to achieve permanent residency, and ultimately Australian citizenship.

¹ National Consultation on Citizenship (2015). 'Final report: Australian Citizenship, Your Right, Your Responsibility', Australian Government, Canberra, <http://www.border.gov.au/Citizenship/Documents/australian-citizenship-report.PDF>, 21.

² Australian Institute of Criminology (2015). 'Crime Prevention Approaches, Theory and Mechanisms', Australian Government, Canberra, http://aic.gov.au/publications/current%20series/rpp/100-120/rpp120/07_approaches.html.

³ Akerman, T (2016). 'Inequality Blamed for African Youth Crime', *The Australian*, 9 November 2016.

⁴ *ibid*

⁵ Mansouri, F & Skrbis, Z (2013). 'Migrant Youth in Australia: Social Networks, Belonging and Active Citizenship (Summary Report)', Deakin University, Melbourne. http://www.deakin.edu.au/data/assets/pdf_file/0020/91307/Migrant-Youth-in-Australia.pdf

⁶ Larsen, J. (2014) 'Restorative justice in the Australian criminal justice system - *Research and public policy series* Report 127', Australian Institute of Criminology, Canberra.

⁷ Victorian Government (2015) 'Youth Justice Group Conferencing factsheet', Victorian Government, Melbourne <http://www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/youth-justice/group-conferencing-information/youth-justice-group-conferencing-fact-sheets>.

⁸ Bazemore, G. & Schiff, M. F. (2004) 'Paradigm muddle or paradigm paralysis? The wide and narrow roads to restorative justice reform (or, a little confusion may be a good thing)', *Contemporary Justice Review*, Vol. 7(1), pp.37–57.

⁹ KPMG (2010).