



**Submission in Response to the Consultation on
the new English language requirement for the Partner visa program**

Introduction

The Chinese Australian Services Society Limited, as an entity of the group commonly known as “CASS” in the community, welcomes the opportunity to lodge submission to the Department of Home Affairs in response to the inquiry into the new English language requirement for the Partner visa program. As a longstanding community group, CASS has been dedicated to assisting disadvantaged people of the local communities and advocating on their behalf. Our submission is a reflection of the views and concerns that we received from our service users and people in our community, through observation and the conclusion we made while delivering services to our clients, who are significantly affected by the new English language requirement for the Partner visa program.

About Our Group

CASS is the brand name of a group of registered charities providing a comprehensive range of social and welfare services to the multicultural communities, covering a wide geographical area including the Metropolitan Sydney and Wollongong. It includes principally its parent entity, the Chinese Australian Services Society Ltd (founded in 1981), and the subsidiary, CASS Care Ltd (established in 2002) which is also an endorsed public benevolent institution (PBI) by the Australian Taxation Office. CASS operates a 63-bed Residential Aged Care Facility in Campsie, Home Care Packages for over 600 frail seniors, Commonwealth Home Support Program for over 700 frail seniors, Community Visitors Scheme, Disability Services, Settlement and Health Services, Child Care Services, and Vocation and Training Services, etc. At present, more than 3,500 families access CASS services and activities every week.

Our Response to the New English Language Requirement for the Partner Visa Program

We are glad that the Department of Home Affairs is seeking consultations on the new English language requirement for the Partner visa program. The English language requirement for Partner visa program consulted on the appropriateness of the balance between meeting the needs of Australians and maximising economic outcomes. In contributing to the consultation, we would like to raise the following issues and recommendations:

1. Reasonable Effort to Learn English

In determining what “reasonable effort” to learn English is, CASS proposes that the definition of ‘reasonable effort’ be broadened to meet various situations.

Firstly, the effort by a migrant in engaging with the local community, such as participation in volunteering, activity groups and employment training, be taken into account. CASS has lots of volunteers who are migrants with limited English skills, however, they play an important role in serving the multicultural community and fit in well with the needs of the society. These activities will support integration of migrants to the general community and help migrants to build their social network and access mainstream services.

Secondly, the applicants’ progress in learning English should be taken into account. For example, progressing from beginner level to intermediate level or higher shows their continuous efforts in learning English. In addition, the continuing assessment should also be one of the evidences to show whether the participant has made reasonable effort. In some cases, it may require collecting feedback or comments from the tutors/language teachers when the result was unsatisfactory, in order to further assess whether the applicant has made a reasonable effort to learn English.

2. Exemptions

CASS agrees that consideration should be given to situation where a person could be exempted from meeting the English language requirement. It is proposed that exemption be provided to

vulnerable applicants. Among the top 10 countries of partner visa places, CASS is serving three of the cultural groups, i.e. China at the first place, accounting for 9.6%, and Vietnam and Republic of Korea at the fifth and tenth places respectively. It demonstrates that CASS has adequate knowledge in working with Partner visa migrants and understanding their needs. In this regard, we would like to recommend the types of applicants that should be exempted from the English language requirement.

Firstly, seniors aged 60 and over should be considered. According to relevant study, aged people have difficulty in learning new knowledge. It would be challenging for them to learn a new language after their first language.

Secondly, as mentioned by the discussion paper, applicants who demonstrate of having disability or impairment that may have difficulty in studying English or meeting the requirement.

Thirdly, exemption should be considered when applicants who have dependents and the person is the primary carer. It is because that these applicants would prioritise their carer role and household duties over the study of English. In Australia, female migrants are more likely to be primary carers. The Continuous Survey of Australia's Migrants showed that female partner migrants take up 71% of the total partner migrant population. Thus, it is important to consider the above conditions to ensure people from different age, gender and learning ability can be equally access in the Partner visa program.

Recommendations and Conclusion

Reference made to the partner visa policies of most English-speaking countries having migration program shows that they do not require partner visa applicants to demonstrate their proficiency of English. For example, in New Zealand and Canada, demonstration of English proficiency is not required for partner visa applicants. For the United States, applicants of family visas do not need to provide supporting documents for their English proficiency either.

CASS believes that partner visa applicants do make great contribution to the Australian society which has reflected in Australia's economy. It will lead to economic loss if a skilled migrant has to leave Australia because the person cannot sponsor his/her partner due to low English capability. Partner visa applicants, especially female applicants, play a significant role in supporting the family and children. Their support to the family can relief their sponsors to settle in the workforce and focus on economic contribution through full-time employment. Even for senior partner visa applicants, they may enable their children to focus on employment by taking care of the grandchildren.

In conclusion, we reiterate our welcome of the opportunity to provide feedback to the consultation on the English language requirement for the Partner visa program. We would appreciate if the Department of Home Affairs taking into account the viewpoints and concerns expressed in this submission. We are happy to have further discussion to elaborate on these viewpoints and concerns. Also, we consent to our submission being made public.