



Young People on Remaining Relative visas (115) and Orphan Relative visas (117)

ENTITLEMENTS AND REFERRAL PATHWAY OPTIONS

This information sheet is for frontline staff working with young people from culturally and linguistically diverse (CLD) backgrounds who have migrated to Australia on Remaining Relative (115) visas and Orphan Relative (117). This information sheet is designed to provide workers with insight into the challenges young people on a 117 or a 115 visa face; their entitlements and referral options available to them.

Introduction

Young people on Orphan Relative (117) and Remaining Relative (115) are granted permanent residency upon arrival to Australia. However they must undergo a two year waiting period before being eligible for social security payments. This is because as they enter Australia on a 'sponsored visa', they are dependent on their 'sponsor' family for financial support. This requirement can place young people in potentially vulnerable situations, particularly where a relationship breakdown occurs. Due to their limited eligibility for supports outside of the sponsor relationship, young people on 115 and 117 visas are at risk of homelessness; family breakdown; financial hardships; and disengagement from communities.

The Centre for Multicultural Youth is a Victorian not-for-profit organisation supporting young people from migrant and refugee backgrounds to build better lives in Australia.

Centre for Multicultural Youth
304 Drummond St, Carlton VIC 3054

T (03) 9340 3700 • F (03) 9349 3766
info@cmy.net.au • cmy.net.au



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Orphan relative visas (117)

117 visas allow children and young people to travel to and live permanently in Australia with a relative in Australia. An Orphan Relative visa (subclass 117) is granted to a young person:

- Whose parents are unable to care for them because of death, severe disability or; whereabouts are unknown;
- Who have no other legal guardians; and
- Who are under the age of 18 years at the time of the application.

Orphan Relatives are sponsored by a sibling, grandparent, aunt, uncle, niece or nephew on behalf of a young person. The young person must be outside of Australia when the visa application is lodged by the sponsor. The sponsor is expected to provide support for the child, including accommodation and financial assistance to meet their needs, during their first two years in Australia.

Remaining relative visas (115)

115 visas allow young people who have near relatives that are residents, to live in Australia as Permanent Residents. The sponsor is required to provide an Assurance of Support.

A child, young person is eligible for this visa if:

- He or she has a sibling, parent (or step-equivalent) who is an Australian citizen, Permanent Resident; and
- He or she (and his or her partner, where applicable) has no siblings, non-dependent children, parents (or step-equivalents) other than those in Australia.

Sponsors must give a written undertaking to provide support, accommodation and financial assistance for a young person on a Remaining Relative visa for the first two years of residence in Australia.

Entitlements

Entitlements	Orphan Relative Visa (117)	Remaining Relative Visa (115)
Permanent Residency	✓	✓
Apply for Australian citizenship (if eligible)	✓	✓
Travel to and from Australia for five years from the date the visa is granted (after that time, you will need a resident return visa or another visa to return to Australia)	✓	✓
Sponsor other relatives for permanent residence	✓	✓
Work and study in Australia	✓	✓
Medicare	✓	✓
Settlement Grant Program Services	✓	✓
Humanitarian Settlement Services	x	x
Translating and Interpreting Services	✓	✓
Health Care Card Ineligible for two years from time of arrival in Australia Note: Young Person may have access to a Health Care Card during the two year waiting period if they are a dependent of a guardian with a Health Care Card	x	x
Centrelink Benefits Ineligible for two years from time of arrival in Australia unless they are able to demonstrate a substantial change in circumstances beyond their control resulting in severe financial hardship	x	x
Job Seeker Assistance 'Partially-Eligible' for job seeker assistance from Job Service Association Note: JSA Stream 1 (limited) services entitle the job seeker to assistance in creating an online resume for the purpose of applying for jobs through the Australian JobSearch website.	✓	x

Financial pressures and consequent impact on family relationships

Financial entitlements for sponsor families

A sponsor family of a young person on a 117 or 115 visa is entitled to receive Family Tax Benefit A which is paid to the adult carer of the young person under the age of 16. However, sponsor families receive no further financial assistance for young people in their care who are over the age of 16 and have been living in Australia for less than two years. This can exacerbate financial pressures for sponsor families.

Financial entitlements for young people on 117 or 115 visas

Likewise, young people aged 16 years or older are also ineligible for Centrelink support in their own right for their first two years of residence.

This can increase the risk of young people on these visas experiencing:

- Family breakdown/intergenerational conflict;
- Homelessness;
- Possible exploitation; and/or
- Disengagement from the wider community and displacement by sponsor family.

Case Study

Orphan Visa 117 – Tesfaye

Tesfaye is 18 years old. He is a young refugee from Ethiopia. He came to Australia on an Orphan Visa (117) in September 2010 when he was 16 years old, together with two siblings (aged 13 and 15). Their parents died when Tesfaye was ten years old. The children were cared for by their maternal aunt in Ethiopia until they were all sponsored by another relative to come to Australia. She herself had come to Australia as a refugee in 2002.

Tesfaye's aunt and her husband have five young children of their own. They live in an Office of Housing property in Melbourne's West. Their income consists of Tesfaye's uncle's income as a taxi driver, a Centrelink Parenting Payment, Double Orphan Pension (for Ali and his siblings) and Family Tax Benefits A and B. Tesfaye's aunt and uncle have spent a considerable amount of their savings to bring him and his siblings to Australia: with the visa application fee (\$2000); health checks and three airline tickets \$7000+).

Tesfaye initially studied English at Western English Language School before transferring to a Youth ESL Program at TAFE in Footscray in 2011. Tesfaye presented to the ESL Youth Welfare office at TAFE in April 2012 (at the age of 18) as homeless. He left home because his aunt could no longer cope with the financial strain of supporting him and his siblings, and the overcrowding in their home. She told Tesfaye, his 17 year old brother and her own two eldest boys aged 17 and 16 years that they are now old enough to look after themselves. Tesfaye's uncle drove them to a private rooming house in Carlton where he left them with two weeks' rent.

When called by the welfare officer, Tesfaye's aunt explained that the house was very crowded and she has "too many" children. As the boys are with the oldest sibling (Tesfaye), she felt that they can take care of themselves. After this conversation regarding the siblings welfare she agreed to take the boys back. After two months, during which the three teenage boys slept in the lounge room, they were sent to stay with another uncle living in the Western suburbs. The uncle also did not understand the eligibility restrictions and was under the impression that given that Tesfaye had moved out; he would be able to access benefits. He sent him to Centrelink to apply for Youth Allowance. However, Tesfaye's application was rejected and advised he was not eligible for another two months. In August 2012 Tesfaye finally qualified for Youth Allowance.

Referral Pathway Options

Young people on a 117 or 115 visa are Australian permanent residents and as such are eligible to similar entitlements as other young Australians. A high number of young people on a 117 or 115 visa experience financial pressures, family breakdown and subsequently are at risk of homelessness. Alongside the eligibilities listed above, the following sectors have a responsibility to support young people on 117 and 115 visas:

- Crisis Housing Services;
- Youth Mental Health Services;
- Education, Employment and Training Services;
- Legal Support Services;
- Counselling Support Services –(family breakdown; torture and trauma); and
- Multicultural Support Services.

Complex Case Support Program

Young people on 117 or 115 visas can access the Department of Social Services' Complex Case Support (CCS) Program. The CCS Program delivers specialised and intensive case management services to humanitarian entrants with exceptional needs. CCS is specifically targeted at supporting clients whose needs extend beyond the scope of other settlement services, such as the Humanitarian Settlement Services (HSS) programme and the Settlement Grants Programme (SGP).

Who can refer a client for Complex Case Support services?

Anyone can refer a client for CCS assessment, including:

- Settlement service providers
- Australian Government, state or territory government agencies
- Community and health organisations
- Local church and volunteer groups
- Doctors, teachers, police officers and school counsellors
- Individuals, including self-referral.

CCS Contract Managers can be contacted for more information on 1300 855 669 (free call in Australia). Alternatively you can email them at ccs@immi.gov.au

Appendix

STATISTICS

Over the past 5 financial years there has been a gradual, yet significant, decrease in the number of young people arriving to Australia on Remaining Relative (115) visas. From 450 young people aged 12 to 24 during the 2008 -2009 financial year to 63 young people in the 2012 -2013 financial year. On the other hand, the arrival of young people on Orphan Relative (177) visas has remained relatively consistent. From 195 young people arrived during the 2008-2009 financial year to 234 young people during the 2012-2013 financial years. Tables 1 and 2 show the number of young people aged 12 to 24 years of age arriving in Australia over the past five financial years on 115 and 117 visas, respectively.

Table 1: Number of young people aged 12 to 24 years old arriving on 115 visas in Australia over the past five financial years (1st July 2008 -30th June 2013).

Age on Arrival	Financial Year					Total
	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	
12-15	150	76	17	17	16	276
16-17	97	46	14	13	12	182
18-24	203	124	41	21	35	424
Total	450	246	72	51	63	882

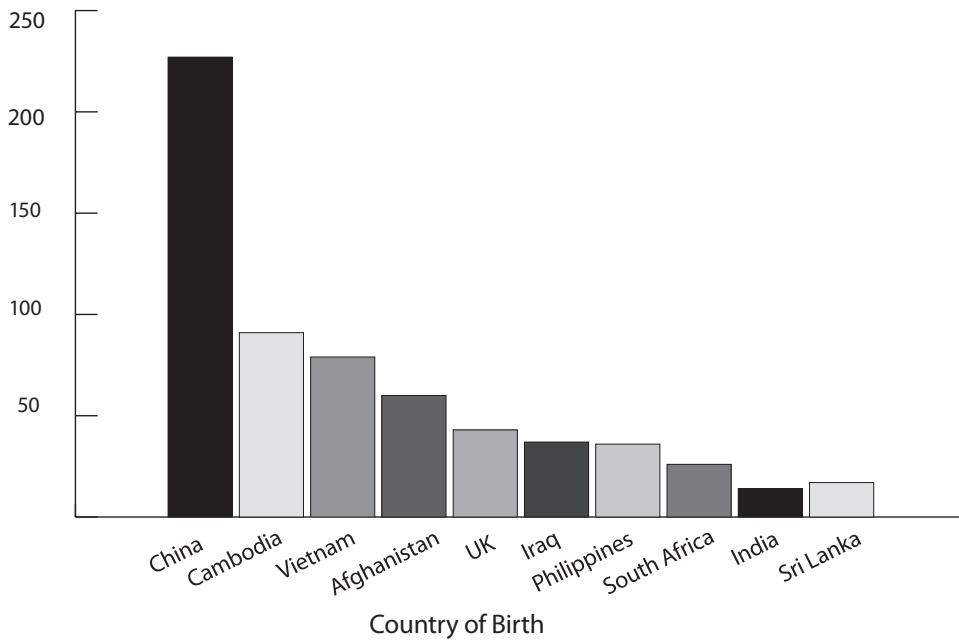
Table 2: Number of young people aged 12 to 24 years old on 117 visas arriving in Australia over the last five financial years (1st July 2008 -30th June 2013).

Age on Arrival	Financial Year					Total
	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	
12-15	70	166	132	127	86	581
16-17	59	149	12	109	91	535
18-24	66	177	131	91	57	522
Total	195	492	390	327	234	1638

Where are young people on 115 visas coming from?

Young people aged 12 to 24 from the People's Republic of China, Cambodia and Vietnam represents the largest number of young people arriving in Australia on Remaining Relative (115) visas over the last five financial years.

Figure 1: The top 10 countries of birth for 115 visa holders aged 12 to 24 over the past five financial years.



Over the past five financial years, the People’s Republic of China has been consistent as the top country of birth of young people aged 12 to 24 arriving in Australia on 115 visas –with the exception of the 2010-2011 financial where Cambodia was the main source country.

Where are young people 117s visas coming from?

On the other hand, Afghanistan, Ethiopia, Sudan and Somalia (share third position) represent the top three source countries for young people aged 12 to 24 arriving in Australia on Orphan Relative (117) visas. These three countries contribute to 84 per cent of arrivals.

Figure 2: The top 10 countries of birth for 117 visa holders aged 12 to 24 over the past five financial years.

