



Refugee Council
of Australia

SUBMISSION ON A SUSTAINABLE POPULATION STRATEGY FOR AUSTRALIA

The Refugee Council of Australia (RCOA) is the national umbrella body for refugees, asylum seekers and the organisations and individuals who support them, representing over 700 members. RCOA promotes the adoption of flexible, humane and constructive policies by governments and communities in Australia and internationally towards refugees, asylum seekers and humanitarian entrants. RCOA consults regularly with its members and refugee community leaders and this submission is informed by their views.

RCOA welcomes the opportunity to contribute to the public consultation on a sustainable population strategy for Australia. The 750,000 refugees and humanitarian migrants settled by Australia since Federation have had a profound impact in enhancing the nation's social, cultural and economic life. Refugees have made substantial contributions to Australia and play a key role in its sustainable future – expanding consumer markets for local goods, opening new markets, bringing in new skills, creating employment and filling empty employment niches. There may be short-term costs as refugees are resettled and adjust to their new surroundings but once successful integration has occurred refugees are able to quickly make permanent cultural, social and economic contributions and infuse vitality, humanitarian values and multiculturalism into the communities into which they are resettled.¹

RCOA believes that a sustainable population strategy should take into account the important role of refugee and humanitarian entrants in building a sustainable Australia. Efforts should be made to enhance the sustainability of Australia's asylum and refugee policies and better utilise the wealth of skills, experience and aspirations that refugees bring to the nation.

1. Regional and rural and settlement

The positive impact of refugee settlement has been especially felt in regional and rural Australia. In recent times, rural areas have experienced large scale departures in population resulting in skills losses, lack of local entrepreneurship, business closures and the loss of social capital and services. Successful regional and rural refugee resettlement programs have assisted in filling some population gaps, supplying much-needed labour and stimulating economic growth. Many refugee and humanitarian entrants are drawn to regional areas because of the lifestyle these areas offer, as well as the comparatively better employment opportunities and housing availability. Refugees who have themselves come from rural areas may choose to resettle in regional areas over urban centres because of their familiarity with the rural environment, pace of life and labour markets (e.g. agriculture, small business).

The settlement of refugee and humanitarian entrants in rural and regional areas, however, requires policies that support long-term settlement, including the development of vigorous

¹ See also RCOA's 2010 report on the economic, civic and social contributions of refugees and humanitarian entrants, available at www.refugeecouncil.org.au/docs/resources/Contributions_of_refugees.pdf

regional economies to ensure pathways into employment. Regional settlement programs also need to promote informed choice for refugee and humanitarian entrants and to ensure advance planning and capacity building in areas of resettlement, in consultation with appropriate refugee groups and local communities. Local councils in particular play a strong role in facilitating settlement in regional and rural areas, and in setting a positive tone for the entire community in welcoming and supporting refugees.

In order to attract and retain new arrivals, there must also be adequate investment in infrastructure in rural and regional areas, including public transport, child care facilities, accredited learning facilities, specialist health services, English language providers, and social and community activities that are inclusive and connect refugee and humanitarian entrants with local communities. Hard-learned experience from regional refugee resettlement pilots suggests that the absence of pre-planning, appropriate infrastructure and/or local community support can result in unsustainable outcomes, as refugee communities relocate to urban areas.

Recommendation 1:

RCOA recommends that the Australian Government support the successful long-term settlement of refugees in rural and regional areas by ensuring adequate investment in planning, infrastructure, services and programs.

2. Employment

Refugee and humanitarian entrants in Australia currently represent a significant and underutilised human resource that could meet some of the skills shortages if targeted employment and training strategies are put in place. That is, despite refugee and humanitarian entrants' eagerness to participate in the Australian workforce and the wealth of skills and experience that they bring to Australia, research has shown that former refugees are overrepresented among the ranks of underemployed, low-paid, low-skilled, precariously employed and casualised members of the labour force, and that they face many specific barriers to employment.

Developing pathways to meaningful and sustainable employment is crucial to successful settlement for refugees and humanitarian entrants. Strategies needed include ensuring there are employment services that recognise and address the particular employment barriers faced by refugee and humanitarian entrants, as well as initiatives to promote employers who value and are committed to workforce diversity. Initiatives tapping into the entrepreneurial spirit of former refugees through social enterprise and small business development, particularly in regional areas, may result in the creation of employment and sustainable economic outcomes.²

Recommendation 2:

RCOA recommends that the Australian Government develop a national refugee employment strategy to map out settlement pathways and supports that will lead to more sustainable and meaningful employment outcomes for refugee and humanitarian entrants.

3. Housing

Housing is a concern for anyone on a low income, but at the crucial early stages of settlement, refugee and humanitarian entrants need stability of housing so that they can fully address all other settlement needs, including recovery from past trauma, and build a secure future for

² See also RCOA's 2010 report on employment strategies for refugee and humanitarian entrants, available at www.refugeecouncil.org.au/docs/resources/reports/What_Works.pdf

their families in Australia. While the current housing crisis affects all Australians to some extent, refugee and humanitarian entrants are at a particular disadvantage when competing for housing in the private rental market due to circumstances such as financial hardship, a lack of awareness about tenancy rights and responsibilities, the size of families, and racism and discrimination. When trying to secure properties in the private rental market, refugee and humanitarian entrants faced hurdles at all stages of the process. They face difficulties finding properties, inspecting properties and applying for properties. When they do make applications, lack of rental history, unemployment and discrimination are key factors in undermining their likelihood of being accepted.

In developing a sustainable population strategy, the housing needs of those in our community who are most vulnerable should be at the forefront. Increasing the amount, quality and accessibility of low cost private and public housing for those on low income is imperative.

Recommendation 3:

RCOA recommends that the Australian Government, in consultation relevant State agencies, coordinate a comprehensive housing strategy to address the specific needs of refugee and humanitarian entrants.

4. Indefinite mandatory detention

Australia's onshore protection regime provides a vital pathway to protection for persons fleeing persecution. Asylum is at the heart of refugee protection and RCOA believes it is essential that Australia maintains a robust and humane procedure for providing protection to refugees who seek asylum onshore.

However, RCOA believes that Australia's onshore protection regime in its current form is not sustainable. Of particular concern is the ongoing policy of indefinite mandatory detention. In RCOA's view, the extremely high costs of mandatory detention – economic, social and human – render the policy fundamentally unsustainable. Detention facilities are expensive to operate and far less economically efficient than community-based alternatives. This expense is particularly difficult to justify given that, for the vast majority of asylum seekers, there is no demonstrable reason for their ongoing detention. It is unnecessary and misguided to detain persons (among them children) for the duration of the status determination process if they pose no identifiable security or public order risk.

Furthermore, the recent upsurge in immigration detainees has highlighted the inflexibility of the mandatory detention policy to respond to changes in the asylum seeker caseload. Due to an increase in onshore asylum applications during the past year, record numbers of people are being detained for longer periods and several facilities, notably those on Christmas Island, have become overcrowded. The Australian Government's recent approach to addressing these issues – seeking out alternative detention sites or even building new facilities – fails to address the fundamental irrationality of compulsorily detaining persons who do not need to be detained. It is a simplistic, ad hoc and expensive approach which is clearly unsustainable in the long-term.

Even more egregious than the economic costs of mandatory detention are its human costs. Conditions in immigration detention facilities have serious implications for the wellbeing of asylum seekers. Indefinite detention, particularly when prolonged, has been shown to cause or exacerbate mental health problems amongst asylum seekers, many of whom have already experienced serious trauma. The ongoing mental health issues experienced by many former detainees hamper their successful settlement and increase their need for post-arrival support and rehabilitation, further escalating the economic and social costs of mandatory detention.

RCOA believes that, if Australia's onshore protection regime is to be sustainable, the mandatory detention policy must be revoked and replaced with a policy informed by the following principles:

- Asylum seekers should be detained only as a measure last resort, not as standard practice, and for as short a time as possible.
- Asylum seekers should only be detained only for the period necessary for identity, health and Movement Alert List checks to be completed, unless an individual poses an identifiable security or public order risk.
- Community-based alternatives to immigration detention should be implemented wherever possible.

An approach informed by these principles would dramatically reduce the economic, social and human costs of Australia's current asylum policies and thereby enhance the sustainability of our onshore protection regime. Such an approach would also enable asylum seekers to contribute to Australian society while waiting for their status to be determined and, in cases where the need for refugee protection is established, to establish themselves more quickly as permanent residents of Australia.

Recommendation 4:

RCOA recommends that:

- a) The provisions of the Migration Act relating to mandatory detention be repealed.*
- b) Asylum seekers be detained only as a last resort, for as short a time as possible, and only for the purposes of establishing identity and conducting health checks or when it has been determined that they pose an identifiable security or public order risk.*
- c) Community-based alternatives to detention be implemented wherever possible.*

5. Australia's resettlement program

Australia's offshore resettlement program makes an important and valuable contribution to the sharing of international responsibility for refugees for whom no other durable solution is available. The resettlement program also enables Australia to demonstrate its commitment to upholding human rights and humanitarian values and its international solidarity with the mostly poor countries hosting the majority of the world's refugees. The need for refugee resettlement is vast and, unfortunately, will continue to remain so for the foreseeable future. The United Nations High Commissioner for Refugees (UNHCR) estimates the world's refugee population at 15.2 million. The number of refugees in priority need of resettlement in 2011 according to UNHCR is more than 800,000 but global annual refugee resettlement places remain below 115,000.

In 2001, the then United Nations High Commissioner for Refugees, Ruud Lubbers, suggested that industrialised nations develop annual refugee resettlement programs equal to 0.1% of their overall population. For Australia currently, this goal would see our national annual offshore refugee resettlement program increased to around 22,000 places. This is a level similar to the resettlement program in the years between 1979 and 1983 (when the annual average was 21,239) and well below the annual resettlement which took place in the early post-war years (when the annual refugee intake was as high as 89,199). Over the past six years, Australia's offshore refugee and humanitarian resettlement program has varied between 9,236 and 13,061 places per year.

RCOA appreciates the need to ensure the sustainability of Australia's resettlement program. Careful planning is essential to ensure that adequate support is available to refugees resettled from overseas. However, in assessing the sustainability of resettlement, RCOA cautions against

any approach which gives primacy to economic factors over humanitarian considerations. For example, RCOA believes it is unacceptable to bar access to resettlement on the basis that a person may require more intensive settlement support due to complex needs. Such an approach can result in highly vulnerable groups, including persons with a disability, being denied access to effective protection and assistance. RCOA considers this approach to be at odds with the fundamentally humanitarian nature of refugee protection.

For 65 years, Australia has made a significant humanitarian contribution through its refugee resettlement program – and has benefited considerably in economic and social terms from the contributions of the refugees it has welcomed. RCOA believes that, with careful planning, Australia can increase its refugee resettlement program in coming years to 20,000 places, with the medium term goal being to achieve an annual program equal to 0.1% of the annual population.

Recommendation 5:

RCOA recommends that, in developing a sustainable population strategy, the Australian Government preserve and augment the strong humanitarian focus of Australia's offshore refugee resettlement program, expanding its annual resettlement program to a level equal to 0.1% of the national population.

6. The impact of the current political debate

A sustainable population strategy, by definition, necessitates long-term planning beyond the term of any single government administration. As such, it will require cooperation between all political parties and mutual commitment to long-term objectives. A strategy which fluctuates markedly with each election cycle can hardly be described as “sustainable”.

RCOA is concerned that the current nature of the Australian political debate on refugee and particularly asylum issues undermines the potential to develop this long-term approach. The often self-serving, highly distorted and heavily politicised nature of the political debate has created an environment in which refugee policy has become a source of conflict and division and refugee issues are frequently leveraged for political gain, at the expense of positive and sustainable protection outcomes for refugees and asylum seekers. The lack of bipartisanship on refugee issues will undoubtedly hamper the development of a long-term and sustainable approach to refugee and asylum policy.

Recommendation 6:

RCOA recommends that all Australian political parties work towards the development of a non-partisan sustainable population strategy, including a bipartisan commitment to supporting humane refugee and asylum policies.

This lack of political leadership also acts as a catalyst for the perpetuation of negative stereotypes and for a lack of understanding and harmony between the broader Australian community and refugee communities. This can have serious implications for the successful settlement of refugees, as outlined below.

7. Public attitudes and social inclusion

RCOA agrees that a key requirement of liveability is social inclusion. Attitudes amongst Australian people towards refugees are an important factor in their settlement into Australian society. Currently, there is a lack of public awareness about Australia's role in refugee protection and the positive contributions made by refugees. This lack of public knowledge can lead to misconceptions, fear and prejudice, often wilfully propagated through the media and by

politicians, in turn leading to diminished support for Australia's Refugee and Humanitarian Program. Issues of sustainability, such as over-population, water security and the need to care for vulnerable and marginalised Australians, all enter as common arguments against taking a more humane approach to asylum seekers and refugees, with perpetuated myths fuelling the concern. Community leaders, politicians, the media, NGOs and individuals all have a role to play in dispelling myths and countering negative opinions by highlighting the relatively small numbers of people seeking asylum in Australia each year and the positive contributions made by refugees towards building a sustainable future.

RCOA's consultations with former refugees and settlement agencies have revealed that the adverse public opinions resulting from this negative discourse can undermine sustainable settlement outcomes. RCOA has received reports of former refugees experiencing fear and anxiety due to negative public opinion, becoming reluctant to engage with the media for fear of being misrepresented and withdrawing from community support systems.

Strategies to support connected, socially inclusive communities rely on strong political leadership, supporting and strengthening the policies of multiculturalism and enhancing public awareness about Australia's Refugee and Humanitarian Program. Positive stories of resettled humanitarian entrants need to be told, highlighting the commonality humanitarian entrants share with all other Australians. RCOA's submission to the Australian Government on the 2011-12 Refugee and Humanitarian Program³ contains further information and recommendations on addressing negative public discourse.

Recommendation 7:

RCOA recommends that the recommendations made in Section 6 of its submission on the 2011-12 Refugee and Humanitarian Program regarding public discourse on Australia's refugee policies be adopted.

8. The need for a sustainable regional protection framework

As noted above, Australia's onshore protection and offshore resettlement programs make vital contributions to refugee protection internationally. A sustainable, long-term refugee policy, however, must address not only the symptoms of forced displacement but also the causes. In developing a sustainable population strategy, Australia must work towards addressing the root causes of flight and secondary movement so as to create comprehensive, lasting solutions to refugee crises in our region.

There is a pressing need to develop a sustainable regional protection framework in the Asia-Pacific. Conditions in major countries of origin are characterised by protracted conflicts, ongoing insecurity and widespread violations of human rights. In most cases, there are limited prospects for significant improvement in these conditions in the near future. In many countries of asylum, the average standard of protection available to asylum seekers and refugees falls well below international benchmarks and is characterised by limited recognition of refugee status; inadequate standards of reception, status determination and protection; widespread use of detention; extremely difficult living conditions, including lack of access to livelihoods; and lack of access to timely durable solutions. These conditions frequently drive refugees and asylum seekers to engage in secondary movement in the hope of finding genuine safety and protection.

Australia should show leadership in developing sustainable solutions to these issues by responding to protection issues in refugee-producing countries, encouraging reform in

³ See Appendix; also available at www.refugeecouncil.org.au/resources/consultations.html

countries of asylum and modelling best practice in refugee protection. RCOA's 2011-12 intake submission⁴ contains further information and recommendations on developing a sustainable regional protection framework in the Asia-Pacific.

Recommendation 8:

RCOA recommends that the recommendations made in Section 4 of its submission on the 2011-12 Refugee and Humanitarian Program, regarding the development of an Asia-Pacific regional protection framework, be adopted.

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⁴ See Appendix; also available at www.refugeecouncil.org.au/resources/consultations.html

APPENDIX – RELEVANT RECOMMENDATIONS FROM RCOA’S SUBMISSION ON THE 2011-12 REFUGEE AND HUMANITARIAN PROGRAM

Australia’s Refugee and Humanitarian Program and global needs

Based on feedback from its national consultation process from discussions with non-government organisations (NGOs) in Asia, Refugee Council of Australia (RCOA) recommends that the Australian Government:

1. Demonstrate its unequivocal commitment to the Refugee Convention by ending the numerical link between the onshore Protection program and the offshore Refugee and Humanitarian program, to demonstrate the importance of Australia providing asylum to refugees who have not been able to find effective protection elsewhere.
2. Advance the development of an Asia-Pacific regional refugee protection framework by expanding its offshore resettlement program to offer additional places for vulnerable refugees within the region.
3. Develop a five-year plan to expand its offshore Refugee and Humanitarian Program to 20,000 places per year, returning it to a similar level to that achieved in the years following Australia’s response to the Asian refugee crisis in the late 1970s.⁵
4. Maintain a global focus to Australia’s resettlement program by setting a minimum regional target of 25% for each of the key regions of Africa, Asia and the Middle East and South West Asia.
5. Encourage other governments to increase their commitment to resettlement (or to develop resettlement programs for the first time) and to include the needs of the Asia-Pacific region as part of a global approach to resettlement.⁶
6. Review Australia’s policies on the resettlement of refugees with disabilities, giving careful consideration to:
 - (a) the introduction of exemptions from the health requirement for all applications under the offshore component of the Refugee and Humanitarian Program and all applications for family reunion made by refugee and humanitarian entrants; and
 - (b) the implementation of key recommendations of the Joint Standing Committee on Migration report “Migration treatment of disability: Enabling Australia”.
7. In the light of advice from NGOs working with refugees in Asia, the Middle East and Africa, give greater consideration to resettling refugees from smaller groups of highly vulnerable refugees including:
 - (a) Refugees who are well outside their region of origin (such as African and Middle Eastern refugees in Asia) and have little prospect of local integration;
 - (b) Refugees in detention or at high risk of being detained.
8. While not altering UNHCR’s pivotal role in referring refugees for resettlement, give consideration to receiving resettlement referrals from experienced NGOs which have detailed knowledge of highly vulnerable people within larger refugee populations.
9. Explore even greater cooperation with the key resettlement states of the United States and Canada, examining options for the three states to take on different but complementary responsibilities for resettlement within the Africa, Asia and the Middle East regions.
10. Consider options for the development of a small additional program (or sub-program) to facilitate resettlement of refugees with the involvement of community-based organisations.

Asia-Pacific regional protection framework

11. Taking into consideration the nature of protection needs in the Asia-Pacific, feedback from consultation participants and NGOs working in the region and key lessons learned from previous examples of regional cooperation on refugee protection, RCOA recommends that the Australian Government not pursue plans for a single Regional Processing Centre in Timor-Leste but focus on

⁵ Australia’s offshore refugee and humanitarian intake averaged 21,239 per year in the three years from 1 July 1979.

⁶ In 2001, the then UN High Commissioner for Refugees, Ruud Lubbers, recommended that developed nations set annual resettlement targets at a level equal to 0.1% of their national population. Under this formula, Australia’s offshore program would have 22,000 places each year.

promoting the development of an Asia-Pacific regional refugee protection framework through the following strategies:

A. Focus on protection principles

- i) Seek the agreement of governments in the Asia-Pacific region to work together collectively to provide to all asylum seekers:
 - a) Timely access to sound refugee status determination;
 - b) Effective protection (including freedom from detention and respect of human rights) throughout the time taken to determine status and to provide a durable solution;
 - c) Timely durable solutions and/or a safe return to the country of origin.
- ii) Work towards the development of a regional agreement to guarantee non-refoulement.

B. Promote greater understanding of refugee protection needs

- i) Create a new position of Australian Ambassador for Refugee Protection, to assist the Government in high-level advocacy on refugee protection issues within the Asia-Pacific region and internationally.
- ii) Support the development of a parallel NGO process to the Bali Process, to foster the engagement of NGOs across the region in refugee protection issues.
- iii) Lobby UNHCR to coordinate more detailed research on forced displacement in the Asia-Pacific region, to gain a fuller understanding of refugee protection needs. This should include research on the numbers and circumstances of unrecognised refugees in Asia (particularly people from Burma in Thailand, India and Bangladesh), with a view to exploring strategies for regularising their status.
- iv) Lobby for the creation of a UN Special Rapporteur on Refugee Protection, to promote robust international examination of refugee needs independent of all government and UNHCR processes.

C. Model best practice in asylum procedures

Review Australia's approach to immigration detention with a view to reforming Australia's asylum seeker reception and detention arrangements to model the protection-centred practices Australia would like to see replicated in the region. The current Australian policy of indefinite mandatory detention is a particular concern, given the role that arbitrary detention plays in the fears which foster onward movement from South-East Asia.

D. Respond to protection issues in refugee-producing countries

- i) Involve the Department of Foreign Affairs and Trade in taking up protection issues within refugee-producing countries through every multilateral and bilateral means possible, proposing international action to support states unable to protect their populations and putting international pressure on those unwilling to do so.
- ii) Develop a strategy for the role of Australian aid in improving situations in refugee-producing countries, including through development initiatives, peace building, anti-corruption programs, support of human rights frameworks, strategies to resolve statelessness and efforts to improve security for vulnerable people.

E. Encourage and support change in countries of asylum

- i) Encourage states to work towards policies which ensure refugees and asylum seekers have:
 - a) Fair and prompt access to asylum processes;
 - b) Legal status and freedom from detention;
 - c) The right to work;
 - d) Access to education;
 - e) Access to health care.
- ii) Lobby for each country in the region to develop domestic asylum legislation in line with the principles of the Refugee Convention.
- iii) Seek opportunities to promote training for government and NGO officials on refugee protection issues, particularly in countries where national expertise is more limited.
- iv) Develop a strategy for the role of Australian aid in improving situations in countries of asylum, focusing on education of refugees and asylum seekers, health and livelihood programs, support

for highly impoverished non-refugee populations, capacity building of government officials on refugee protection issues, supporting the role of local NGOs and ensuring adequate funding for UNHCR's work.

- v) Fund the development of a deployment scheme to involve Australians in supporting the provision of legal aid to asylum seekers, refugee status determination and involvement in resettlement programs.

F. Focus on statelessness

- i) Lobby for the development of strategies to resolve statelessness in the Asia-Pacific region, through the Bali Process, in discussions with ASEAN bodies and in bilateral discussions with governments across Asia.
- ii) Work with governments of the Asia-Pacific region to put forward specific proposals to resolve statelessness in the lead-up to the ministerial meeting to be hosted by UNHCR in Geneva on 7-8 December 2011.
- iii) Explore forming an international working group to address the displacement of Rohingya, examining issues inside Burma, treatment of Rohingya asylum seekers and refugees in various parts of Asia and possible remedies.

G. Enhance resettlement

See recommendations 1 to 10.

H. Develop strategies for sustainable and monitored return

- i) Seek agreements with states receiving returnees that all returnees will be protected from detention, harassment, torture and discrimination on return, with future returns suspended if this agreement is breached.
- ii) Work with UNHCR and human rights organisations to provide comprehensive independent monitoring of returnees.
- iii) Provide a safeguard for returnees from Australia, guaranteeing immediate resettlement through the In Country Special Humanitarian Program if they are subject to detention, harassment, torture or discrimination.

Public discourse on Australia's refugee policies

RCOA recommends that:

- 22. DIAC, the Australian Government and politicians take on a more proactive role in engaging with the media on asylum and refugees issues, with the development of a Government communications strategy to support the Refugee and Humanitarian Program.
- 23. The Australian Government examine Amnesty International Australia's Let's Change the Conversation campaign and consider implementing similar training and education opportunities.
- 24. The Australian Government and all parties represented in the Australian Parliament take up the framework and reforms set out in FECCA's National Multicultural Agenda "Different But Equal".
- 25. The Government reinstitute funding for the Australian Human Rights Commission for the provision of information and educational materials related to asylum seekers, refugees and human rights.
- 26. The contributions of people of refugee background be acknowledged during Refugee Week through:
 - formal awards ceremonies conducted by Federal and State Government agencies; and
 - local recognition by Federal and State MPs of people of refugee background within their electorates.
- 27. Specific refugee-related components be included for consideration in the development of the national curriculum.
- 28. DIAC consider funding (through the Diversity and Social Cohesion Program or similar programs) the development of a NGO-coordinated national training and media strategy to improve the quality of reportage on refugee and asylum seeker issues and enable refugees and the organisations working with them to engage with the media and the Australian public.

For the full RCOA submission on the 2011-12 Refugee and Humanitarian Program, see www.refugeecouncil.org.au/resources/consultations.html