



Refugee Council
of Australia

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COMMON SENSE CHANGES BUILD FAIRER REFUGEE DETERMINATION PROCESS

Changes announced in the 2009-10 Federal Budget will help to produce a fairer and more streamlined system of determining refugee status, the Refugee Council of Australia says.

Measures announced by Minister for Immigration and Citizenship, Senator Chris Evans, include:

- the development of a national Community Status Resolution Service and Assisted Voluntary Return Service;
- abolishing the arbitrary “45-day rule” approach to the granting of work rights and health care access to asylum seekers; and
- introducing a Complementary Protection system for people to whom Australia has protection obligations under human rights treaties other than the Refugee Convention.

Refugee Council CEO Paul Power said these changes built on a series of significant reforms which began in 2005.

“The new Community Status Resolution Service and Assisted Voluntary Return Service are based on the innovative Community Care Pilot, introduced in 2006 by the then Immigration Minister Amanda Vanstone,” Mr Power said.

“The Community Care Pilot demonstrated that supporting vulnerable visa applicants to live in the community was a more constructive and cost-effective strategy than leaving them indefinitely in immigration detention. It also showed that many of those unable to remain in Australia could be encouraged to return home voluntarily, avoiding the trauma and expense associated with forced removals.

“Not only have these changes illustrated the wisdom that more is achieved by treating people fairly, they have resulted in cost savings to the Australian taxpayer. The new Community Status Resolution and Assisted Voluntary Return services, which will cost \$77.4 million over four years, are being funded by savings which have resulted from keeping fewer people in immigration detention for extended periods.”

Mr Power said the abolition of the “45-day rule” was another common sense reform. “Under new arrangements, the Government will confer the right to work and health care on asylum seekers who comply with the Migration Act,” Mr Power said. “Asylum seekers who maintain a lawful visa during the Protection Visa application process will be given the opportunity to support themselves, avoiding the enforced destitution many experience under the current policy.”

The new Complementary Protection process will replace a lengthy, arbitrary and haphazard approach which has forced many of the people owed protection under conventions other than the Refugee Convention to seek the personal intervention of the Immigration Minister. People seeking complementary protection will have their applications considered more promptly, under the same system which applies to people seeking refugee protection.

Other welcome changes announced in the Federal Budget include the introduction of a four-year planning framework for the offshore Refugee Program and an increase in the Woman at Risk quota from 10.5% to 12% of the Refugee Program.

“The four-year planning framework will enable the Australian Government to make longer term commitments to UNHCR about the resettlement of refugees from some of the world’s most protracted crises,” Mr Power said. “This will assist UNHCR’s planning and also the planning of refugee settlement services in Australia.

“The expansion of the Woman at Risk program will increase the focus of Australia’s resettlement program on those in greatest need of protection.”

As forecast in last year’s Budget, the Australian Government will offer 13,750 places in the Refugee and Humanitarian Program in 2009-10 – 6000 under the Refugee Program and 7750 under the Special Humanitarian Program and onshore protection process.

“The least welcome news for refugees in the Federal Budget is a planned cut of \$20.4 million over four years to the Adult Migrant English Program (AMEP),” Mr Power said.

“The Government argues that the cuts will be achieved through ‘improved pricing, administration and contractual arrangements for the delivery of services’ and that AMEP will be enhanced with additional counselling support for all clients and expanded services for 15 to 17 year old new arrivals who drop out of school. It is hard to imagine how such a vital program as AMEP can be enhanced by a funding cut.”

The Budget also outlines a \$186.3 million five-year redevelopment of Villawood Immigration Detention Centre. The redevelopment will update and expand the existing centre, increasing the operational capacity by 72 beds to 400 beds, with “surge capacity” of up to 728 beds.

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