AUSTRALIA’S REFUGEE AND HUMANITARIAN PROGRAM 2014-15

Community views on current challenges and future directions

February 2014
INTRODUCTION

1. EXECUTIVE SUMMARY
   1.1. International refugee needs
   1.2. Australia’s Refugee and Humanitarian Program
   1.3. Asylum policy
   1.4. Settlement issues
   1.5. Recommendations

2. INTERNATIONAL REFUGEE NEEDS
   3.1. Global refugee trends
   3.2. Refugee protection challenges
   3.3. Feedback on conditions in countries of origin and asylum
   3.4. Australia’s contribution to international refugee protection
   3.5. Possible priorities for Australia’s resettlement program
   3.6. Recommendations

3. AUSTRALIA’S REFUGEE AND HUMANITARIAN PROGRAM
   4.1. Overview of the 2012-13 program
   4.2. Size of the annual Refugee and Humanitarian intake
   4.3. Composition of the program
   4.4. Community Proposal Pilot
   4.5. Visa processing
   4.6. Family reunion
   4.7. Recommendations

4. ASYLUM POLICY
   5.1. General feedback on Australia’s current asylum policies
   5.2. Asylum seekers in the community
   5.3. Offshore processing
   5.4. Refugee status determination and legal aid
   5.5. Temporary Protection Visas
   5.6. Children and unaccompanied minors in the community
   5.7. Other asylum policy issues
   5.8. Recommendations

5. SETTLEMENT ISSUES
   6.1. Key settlement challenges
   6.2. Settlement services and planning
   6.3. Changes to the machinery of government
   6.4. Recommendations

6. APPENDICES
   7.1. Consultation locations
   7.2. Organisations consulted
   7.3 List of acronyms

Cover photo: 15-year-old Syrian refugee Mahmoud, in the underground shelter where he lives with his family in El Akbiya, Lebanon, in September 2013. He shares a tiny room measuring 2.5m x 3.5 metres with his parents and eight siblings. © UNHCR/S.Baldwin

Prepared by: Refugee Council of Australia
Suite 4A6, 410 Elizabeth Street, Surry Hills NSW 2010 Phone: (02) 9211 9333
Email: admin@refugeecouncil.org.au Website: www.refugeecouncil.org.au

This submission was produced by the Refugee Council of Australia under contract from the Department of Immigration and Border Protection, as part of the public consultation process to inform the submission to Federal Cabinet on Australia’s 2014-15 Refugee and Humanitarian Program.

© Commonwealth of Australia, 2014. This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission from the Commonwealth. Requests and inquiries concerning reproduction and rights should be addressed to Commonwealth Copyright Administration, Attorney General’s Department, Robert Garran Offices, National Circuit, Barton ACT 2600 or posted at http://www.ag.gov.au/cca
1. EXECUTIVE SUMMARY

1.1. INTERNATIONAL REFUGEE NEEDS

The number of people displaced by persecution, conflict, generalised violence and human rights violations increased significantly in 2012, largely due to conflicts in the Democratic Republic of the Congo, Mali, Syria and the border area between Sudan and South Sudan. At the same time, the living conditions of many refugees remained as difficult as ever and millions remained in protracted situations with no prospect of a durable solution in the near future. The gulf between resettlement needs and available places remained wide, with just 89,007 refugees resettled in 2012 out of the 691,000 refugees the United Nations High Commissioner for Refugees (UNHCR) has identified as being in priority need of resettlement. As challenging as global conditions for refugees were at the end of 2012, the situation became considerably worse in 2013, as the brutal civil war in Syria created refugee movement beyond anything seen for two decades.

In summing up the concerns raised by non-government organisations (NGOs) at the international level in 2013, the Refugee Council of Australia (RCOA) identified nine global challenges facing UNHCR, governments, NGOs and communities in responding to the needs of refugees:

1. **International support for Syria’s neighbours**, with a focus on safeguarding the protection of and delivering assistance to refugees, mobilising financial support to meet needs in host countries and enhancing resettlement, family reunion and other transfers to third countries.

2. **Encouraging the wealthiest nations not to turn away from protecting refugees**, responding to the trend towards restrictions on the entry of citizens of refugee-producing countries through tougher visa laws, tighter regulation of entry by air and efforts to reduce entry by land and sea.

3. **Providing prompt access to refugee status determination procedures**, with asylum seekers in many countries struggling to get access to timely refugee status determination processes and UNHCR facing strong political pressure from some host governments to limit access to asylum.

4. **Building momentum to tackle protracted refugee situations**, with access to safe repatriation, integration and resettlement opportunities remaining limited or virtually non-existent for many refugees in long-standing situations of displacement.

5. **Making refugee resettlement more effective as a strategic tool**, given the gulf between resettlement needs and available places and the consequent need to use resettlement strategically to unlock protection solutions for refugees who will never be able to resettle.

6. **Improving physical security of the most vulnerable refugees**, including refugees at risk of sexual and gender-based violence, women and girls forced into survival sex and same-sex attracted refugees at risk of ongoing harassment, violence and persecution.

7. **Preventing the slide towards insecurity in countries at greatest risk**, particularly in Afghanistan (where many citizens fear a possible resurgence of the Taliban from 2014) and Pakistan (where growing instability is undermining the safety of religious and ethnic minorities).

8. **Developing alternatives to detention**, building on the work of UNHCR and NGO networks in actively promoting the use of detention alternatives, building awareness of successful models operating in many countries and pointing out the advantages of these models.

9. **Promoting greater opportunities for refugees to support themselves**, with refugees in many countries expressing deep frustration at the barriers they and their families face in getting access to appropriate education and to the right to work legally.

Many of these concerns were echoed by diaspora communities in Australia through community consultation processes conducted over the past 12 months by RCOA. Some raised ongoing concerns about conditions in countries of refugee origin, with long-standing persecution and insecurity continuing to drive displacement and limit opportunities for safe return. Representatives from several communities spoke of the pressure faced by some groups of refugees to repatriate despite ongoing fears of persecution or despite conditions not being conducive to safe and
sustainable return. Others highlighted the untenable conditions faced by refugees in different parts of Africa, the Middle East and Asia, with many living in situations where they do not have a secure status (and are consequently at risk of arrest and detention), lack access to education, healthcare, livelihood opportunities and even basics such as food and water, face ongoing harassment, violence and exploitation (including through human trafficking and extortion) and experience difficulties in accessing UNHCR, refugee status determination processes and durable solutions.

Consultation participants saw the potential for Australia to play a significant role in responding to these and other global protection challenges. Many called on Australia to increase its resettlement intake in response to growing protection needs internationally and acknowledged the importance of the Australian Government continuing and expanding its funding to UNHCR. Participants also highlighted the important and potential role of Australia’s overseas aid program in addressing issues which drive forced displacement in countries of origin and alleviating the suffering of displaced populations in countries of asylum. A number of consultation participants called on the Australian Government to play a greater role in advocating internationally to prevent displacement and address protection issues, including through its role as a member of the United Nations Security Council. As in previous years, a number of consultation participants emphasised the need for greater cooperation on refugee protection in the Asia-Pacific region and saw the potential for Australia to play a lead role in developing this cooperative regional approach.

Feedback on what Australia’s resettlement priorities should be in the context of global needs was, unsurprisingly, mixed. While some community members felt that Australia’s resettlement priorities should align with UNHCR priorities, others cautioned about resettling new groups and advocated for the focus to continue on communities that have recently arrived so that communities can build a critical mass and families are able to be reunited. Many consultation participants called on the Australian Government to focus on the most vulnerable and in need of resettlement, namely women and children, those in protracted situations and minorities in particularly dangerous situations. Many people spoke about the need to focus resettlement efforts on refugees who were being forced on from countries of asylum where security is rapidly deteriorating (this related most commonly to refugees living in Syria). A number of consultation participants felt that Australia’s resettlement program should include a stated focus on family reunion and that the family members of refugee and humanitarian entrants in Australia who meet UNHCR criteria should be considered as a priority for resettlement.

For the past two years, RCOA has put forward a set of principles to guide Australia’s response to international refugee needs. We believe these principles remain as relevant as ever in the face of current global challenges:

1. The need for resettlement to be made widely available as a durable solution.
2. A focus on resettling the most vulnerable.
3. An emphasis on maintaining family unity.
4. The strategic use of resettlement to promote broader refugee protection.
5. The need to balance resettlement needs in different regions.
6. A coherent overarching government strategy for refugee protection.

1.2. AUSTRALIA’S REFUGEE AND HUMANITARIAN PROGRAM

During last year’s consultations, the expansion of Australia’s Refugee and Humanitarian Program to 20,000 places was overwhelmingly endorsed by consultation participants, with the caveat that the increased arrival numbers be matched with careful planning and additional resources for settlement services. A year on, consultation participants continued their strong endorsement of an expanded Refugee and Humanitarian Program. Some service providers, however, reported that the concentration of much of the increase in arrivals in just a few months created challenges for their organisations.

Not a single consultation participant expressed support for the reduction in the size of the Refugee and Humanitarian Program to its former level of 13,750 places. Indeed, many consultation participants felt that the decision to reduce the size of the program was counterproductive and
inappropriate at a time when forced displacement is on the rise and protection needs are becoming more acute. Others expressed concern about the impact of the decrease on Australia’s international reputation, including our capacity to work with the international community to resolve refugee protection needs. Several service providers highlighted the significant time, energy and resources that had been invested in expanding the capacity of their services and expressed frustration that these efforts would be squandered should the program be decreased.

In discussing the composition of the Refugee and Humanitarian Program, a number of participants suggested that the Government should explore options for resettling refugees under other streams of Australia’s migration program, so as to make more space available within the humanitarian stream. Participants also expressed concern about the declining proportion of refugees being resettled out of African nations, noting that resettlement needs in the region remain high and expressing a desire for Australia to restore regional balance to its resettlement program.

Participants continued to express mixed feelings about the Community Proposal Pilot, with the most commonly raised concern being the high cost of visa fees. Considerable concern was expressed that the program would benefit communities which are well-organised, have good connections and have significant financial resources and fundraising capacity, while new and emerging communities would be likely to miss out. Additional concerns related to the deduction of the 500 places available under the Pilot from the existing Refugee and Humanitarian Program, the processes for selecting and prioritising individuals for resettlement and access to settlement support services. However, the majority of negative feedback focused on the specific model of community proposal, not the concept of community proposal per se, and some participants highlighted potential benefits of the Pilot in providing opportunities for communities to play a greater role in resettlement and offering an alternative avenue to resettlement for communities who could afford the visa fees.

The lack of pathways to family reunion continues to be identified as one of the greatest challenges facing refugee and humanitarian entrants to Australia and came up in almost every consultation across the country. Issues raised echoed those of previous years, with community members and the services supporting them highlighting the profound psychological, economic and social impacts of family separation, the extremely limited family reunion options available, the systemic hurdles of existing family reunion pathways and the lack of migration advice to assist refugee and humanitarian entrants navigate visa application processes.

With only 503 visas granted under the Special Humanitarian Program (SHP) in 2012-13, this program has provided little hope of a viable pathway for any kind of family reunion in recent years. Community members in consultations across Australia expressed their continued frustration, disappointment and confusion at the ongoing limitations of the SHP in terms of eligibility and size. The majority of consultation feedback on family reunion this year concerned the experiences and limitations of refugee and humanitarian entrants seeking family reunion under the Family stream of the general Migration Program, with the major areas of concern being prohibitive or inflexible documentation requirements and the considerable costs involved. The restricted definition of “family” used by the Department of Immigration and Border Protection (DIBP) in assessing visas applications for the SHP or Family stream of the Migration Program was seen to further limit the already limited prospects of reunion. An emerging concern this year that was raised in a number of consultations was in regards to difficulties liaising with overseas processing offices in relation to Family stream visa applications, including inconsistencies across posts, poor experiences with locally engaged staff, lengthy and unnecessary delays and processes that were incompatible with the circumstances of displaced people.

1.3. ASYLUM POLICY

The level of concern about the general direction of Australia’s asylum policies was considerably higher at this year’s consultations than in previous years. These concerns primarily related to the sidelining of protection in the bid to implement punitive, deterrence-based policies and the failure to consider the broader factors influencing the movement of asylum seekers towards Australia.
Participants lamented the overwhelming focus of Australia’s policies on border security, deterrence and punitive measures at the expense of protection, with some questioning whether Australia still had a genuine commitment to the protection of refugees.

The feedback on Australia’s current approach to asylum policy focused on: questions related to the current state of the global protection environment and the broader factors influencing the movement of asylum seekers towards Australia; the public debate and political rhetoric about asylum; the experiences of asylum seekers living in the Australian community; the continuation of offshore processing in Nauru and Papua New Guinea (PNG); the changes to the refugee status determination process; the re-introduction of Temporary Protection Visas; children and young asylum seekers in Australia; and immigration detention.

The general lack of understanding among Australians about the global refugee situation and the reasons why people seek asylum in Australia was highlighted as an obstacle to developing support for protection-focused policies. The dearth of positive political leadership was seen as not only failing to address this lack of understanding but also actively perpetuating myths, misinformation and negative messages about refugees and asylum seekers.

One of the most significant issues of concern was the Government’s use of the term "illegal" to describe asylum seekers arriving by boat and its directive to government staff and contractors to do likewise. There was general consensus among consultation participants that the use of this term was misleading, unfairly demonised asylum seekers and represented an attempt to reinforce negative attitudes. Participants put forward a number of suggestions for addressing the negativity and politicisation of the public and political debate. Public education and awareness-raising initiatives, including promoting success stories and the positive contributions made by people from refugee backgrounds, were seen as crucial to addressing the lack of understanding about refugee issues and breaking down myths and misinformation.

Much of the feedback from RCOA's consultations focused on the experiences of asylum seekers in the community and the impacts of Australia’s policies on them. The issues raised affecting asylum seekers in the community included: the right to work; income payments; housing; education and English language training; meaningful activities and engagement; access to services; family separation; and the impact of government policies and practices.

As a majority of asylum seekers in the community were denied the right to work, they faced prolonged and negative impacts on their health, safety and well-being. There was collective concern among consultation participants that, without the ability to earn a living, people would be left vulnerable to exploitation and corruption. Without work rights, asylum seekers were left to rely on meagre income support payments (if eligible) and the assistance of charities and community members. This forced destitution had flow-on effects in relation to their housing needs – as all asylum seekers had to compete in the private rental market – and their participation in the Australian community in education, English language learning and meaningful activities like volunteering. RCOA heard from agencies and community members about how asylum seekers had limited access to services, including specific asylum seeker-centred programs as well as the broader state-based services in health, housing and life-skills.

The most troubling feedback that RCOA received about asylum seekers in the community related to family separation and the impact of Government policy decisions, including the long delays and related uncertainty in protection claim assessments, the expiry of Bridging Visas and the new Code of Behaviour attached to visas only for asylum seekers who arrived by boat.

In relation to offshore processing of asylum seekers, consultation participants again raised serious concerns about the capacity of Nauru and PNG to provide adequate protection and support to people seeking protection; the conditions in offshore processing facilities and their impacts on the health and well-being of asylum seekers; and the processes – or lack thereof – for assessing asylum claims and providing durable solutions to people found to be refugees.
Participants raised a range of concerns relating to Australia’s refugee status determination (RSD) process, including the proposed withdrawal of access to the Refugee Review Tribunal, the proposed implementation of a “fast-track” assessment process and the denial of access to RSD through the “enhanced screening” process. The primary concern raised by consultation participants in relation to RSD, however, was the Government’s proposal to withdraw access to the Immigration Advice and Application Assistance Scheme (IAAAS) for asylum seekers who arrived in Australia without a visa. Participants highlighted the complexity of the visa application and status determination process and the difficulties asylum seekers would face in navigating this process in the absence of professional advice and application assistance.

At the time of the consultations, the Australian Government had reintroduced Temporary Protection Visas (TPVs), a move universally opposed by participants in this year’s consultations. Not a single participant expressed the view that the reintroduction of TPVs was a positive or constructive policy decision. Many participants expressed concern that the conditions imposed on TPV holders would hamper their ability to recover from experiences of trauma and settle successfully in Australia, citing the outcomes of Australia’s previous TPV policy. The impact of these conditions on mental health and well-being was viewed as a particularly critical factor in this regard. Temporary status, uncertainty about the future, anxiety about being sent home, separation from family members and limited access to support services were all cited as factors which would undermine the mental health of TPV holders.

In relation to children and young people living in Australia and seeking protection, there was considerable concern for unaccompanied minors and their ability to navigate not only the protection system but also the transition to adulthood without the support of family or intensive program assistance. Many consultation participants identified the policies for children and young people as compounding the trauma of the refugee journey. For children and young people separated from family, consultation participants were worried about their ability to live safely in the community and navigate Australia’s systems. For children as part of families, there was concern that the parents’ trauma and anxiety over their future was having a direct effect on the welfare of the children.

Immigration detention was a major issue for many of the people consulted, as there was concern that few people had been released from detention since the September 2013 Federal election. The prolonged time in detention – for children and adults alike – was as seen as dangerous and in contradiction to the progress made in 2012 to release people from detention after initial identity, health and security checks. As in years past, there was considerable concern for the people detained for several years – with no prospect for release – as a result of their adverse security assessment from ASIO.

1.4. SETTLEMENT ISSUES

At this year’s community consultations, a large amount of feedback was given on settlement challenges, service responses and recent changes to the machinery of government. While settlement issues were not a specific focus in the themes and questions that informed these consultations, the sheer volume of feedback highlights the ongoing challenges refugee and humanitarian entrants face (regardless of how they made their journey here) in rebuilding their lives and settling in. It also suggests that, while much of the public debate and policy focus remains on asylum issues, much still could be done to ensure refugee and humanitarian entrants are able to plan, participate, connect and succeed in their new lives in Australia. The key settlement challenges that were spoken about in a number of locations and by different people focused on employment, education, housing, health and particular challenges facing young people, women at risk and people with a disability.

Recurring themes in the consultations included the need for better coordination and planning of settlement services across different levels of government, the untapped potential of regional settlement locations and concerns about funding challenges. In particular, there was concern that demand for Settlement Grants Program (SGP) services would increase significantly as the
Refugee Program entrants issued visas as part of the program expansion in 2012-13 are exited from the Humanitarian Settlement Services (HSS) program and due to the increasing number of people granted onshore permanent Protection Visas who will have received limited or no HSS support. A concern was also raised about the lack of eligibility to settlement services for people granted onshore permanent Protection Visas. Finally, consultation participants raised a range of questions, comments and concerns relating to the changes to machinery of government after the Federal election.

1.5. RECOMMENDATIONS

International refugee needs

1. RCOA recommends that the Australian Government develop, publish and implement a framework for Australia’s refugee resettlement program based on:
   a) priority resettlement to the most vulnerable refugees, including women at risk, the most culturally isolated groups of refugees (e.g. small groups of African refugees in South and South-East Asia) and lesbian, gay, bisexual and transgender (LGBT) refugees;
   b) the promotion of family unity;
   c) the strategic use of resettlement; and
   d) the consideration of global resettlement needs in the development of regional allocations.

2. RCOA recommends that the Australian Government:
   a) abandon the proposed reduction of Australia’s overseas aid program, in light of its crucial role in assisting forcibly displaced people;
   b) work collaboratively with countries of asylum in the Asia-Pacific region to develop sustainable programs of support for the protection of refugees and asylum seekers within their borders and allocate additional resources for this purpose; and
   c) provide additional funding to UNHCR, given the increasing numbers of displaced people worldwide and UNHCR’s critical role in coordinating humanitarian responses to displacement.

3. RCOA recommends that the Australian Government, in its capacity as a member of the UN Security Council, provide positive leadership in international action to:
   a) address the drivers of forced displacement and respond to protection needs in countries of asylum, with a particular focus on refugees living in protracted situations and/or facing serious risks to their lives and freedom; and
   b) develop a comprehensive response to the growing Syrian refugee crisis.

4. RCOA recommends that the Australian Government work with other governments to apply positive diplomatic pressure to the Burmese Government to address the conflicts which are resulting in continuing displacement in different parts of the country, particularly in Rakhine and Kachin states.

5. RCOA recommends that the Australian Government, in consultation with UNHCR and non-government organisations working with refugees, develop a strategy for how its diplomatic and aid efforts can be targeted to support incremental improvements in the protection and support of refugees and asylum seekers in South-East Asia and South Asia, as part of a long-term vision for an Asia-Pacific regional agreement on refugee protection.

Australia’s Refugee and Humanitarian Program

6. RCOA recommends that the Australian Government return the Refugee and Humanitarian Program to its 2012-13 level of 20,000 places annually, but delinked from onshore Protection Visa grants, as an appropriate contribution to increasing numbers of refugees worldwide and identified priority resettlement needs.

7. In view of the pressing need for resettlement from Africa, RCOA recommends that the Australian Government ensure that the 2014-15 regional target for resettlement from Africa be set at no lower than 25% of the offshore program.
8. RCOA recommends that the Australian Government conduct a review Australia’s migration program to identify opportunities for enabling refugees to enter Australia through the skilled migration and family migration programs.

9. RCOA recommends that the Australian Government conduct a review of processes for collecting, recording and amending personal information on travel and identity documentation granted to humanitarian entrants prior to their resettlement in Australia, with a view to identifying strategies to enhance accuracy and simplify processes for requesting corrections.

10. RCOA recommends that the Australian Government revise the Community Proposal Pilot and any ongoing program which follows it through:
   a) Reducing the proposed visa application charge to a level more affordable for community organisations and exploring ways of providing incentives for sponsors who work together to assist newly arrived refugees towards financial self-sufficiency.
   b) Providing access to a no-interest loans scheme for community organisations seeking to sponsor people for resettlement under the Pilot.
   c) Delinking the Pilot and any future program from the existing Refugee and Humanitarian Program.
   d) Developing clear criteria and guidelines to govern the selection and prioritisation of cases and standards of settlement support for those resettled under the Pilot.

11. RCOA recommends that the Australian Government overhaul the family reunion options for refugee and humanitarian entrants to Australia by developing a “Humanitarian Family Reunion Program” that is separate from the Refugee and Humanitarian Program and the General Migration Program. RCOA recommends that this Humanitarian Family Reunion Program be developed in consultation with former refugee community members and organisations, peak bodies and relevant service providers.

12. In the absence of a separate Humanitarian Family Reunion Program, RCOA recommends that the Australian Government enhance humanitarian entrants’ access to family reunion through the Migration Program by:
   a) waiving application fees or at least introducing application fee concessions for humanitarian entrant proposers;
   b) providing access to free or low-cost migration advice;
   c) introducing flexibility in documentation requirements for people from refugee backgrounds;
   d) reviewing eligibility requirements that effectively exclude applicants from refugee backgrounds; and
   e) resourcing the Department of Immigration and Border Protection’s offshore and Australian processing offices to identify and consider applications from humanitarian entrant proposers separately from applications from non-humanitarian proposers.

13. RCOA recommends that the Australian Government review its definition of “family” to bring it into line with the UNHCR Resettlement Handbook’s definition (which includes a broader understanding of dependency, including unmarried adult children facing persecution).

14. RCOA recommends that the Australian Government increase staffing levels, training and other resources in critical overseas posts in order to support both SHP and General Migration Program applications.

15. RCOA recommends that the Australian Government review how family reunion options are communicated to refugees before they arrive in Australia, examining what information could be provided in first language at the time of application and how this information is reinforced through the Australian Cultural Orientation (AUSCO) program.

16. RCOA recommends that, as a matter of urgency, the Australian Government give all Protection Visa holders access to all family reunion options to enable families separated by persecution and conflict to be reunited, with priority given to family reunion for young people who arrived as unaccompanied minors.

17. RCOA recommends that the Australian Government enter into dialogue with UNHCR about establishing a process for identifying refugee families that are seeking reunification, facilitating
assessment and registration in countries of asylum (particularly Pakistan and Thailand) and prioritising them for referral for resettlement under Australia’s offshore program.

18. RCOA recommends that the Australian Government increase short-term funding to registered Migration Agents funded through the SGP to support the reassessment of SHP split family applications in the most efficient, fair and timely fashion. RCOA also recommends that consideration be given to increasing the overall amount of funding allocated for migration advice within the SGP in the upcoming funding round.

Asylum policy

19. RCOA recommends that the Australian Government streamline and consolidate existing support programs for asylum seekers into a holistic, consistent and client-driven service delivery framework, based on the following core principles:
   a) a central focus on the needs of the asylum seeker;
   b) equal access to services and support regardless of status or mode of arrival;
   c) maximising social engagement through providing support with orientation, English language tuition, education and employment;
   d) a focus on early intervention to ensure the best outcomes for asylum seekers;
   e) safeguards to prevent destitution and ensure resolution of all cases;
   f) basing support services on existing service delivery platforms (such as Medicare and Centrelink) where possible, to avoid unnecessary administration and duplication; and
   g) regular communication and sharing of information among all departments, agencies, organisations and communities working with asylum seekers.

20. RCOA recommends that the Australian Government review and streamline transition processes for refugees and asylum seekers moving through various stages of status assessment, with a particular focus on supporting vulnerable groups such as long-term detainees and unaccompanied minors.

21. RCOA recommends that the Australian Government take steps to enhance communication between government departments, service providers and individual refugees and asylum seekers on current and planned policies and their implications.

22. RCOA recommends that the Australian Government, as a matter of urgency, renew the Bridging Visas of asylum seekers living in the community.

23. RCOA recommends that the Australian Government grant work rights to asylum seekers and enable them to have access to employment support services, to maximise the opportunities for asylum seekers to be self-supporting while their status is resolved.

24. RCOA recommends that the Australian Government, in consultation with relevant service providers, develop a strategy to support capacity-building among groups providing support to asylum seekers in the community.

25. RCOA recommends that the Australian Government abandon its unnecessary and duplicative new Code of Behaviour for Bridging Visa E holders and refrain from imposing sanctions (such as a reduction in income support or re-detention) on asylum seekers without due process.

26. RCOA recommends that the Australian Government:
   a) provide further information about the proposed mutual obligation scheme for Bridging Visa and Temporary Protection Visa holders in receipt of income support; and
   b) adopt a reasonable and flexible approach to implementation of the proposed mutual obligation scheme which avoids imposing conditions that are unrealistic, unnecessarily onerous or which may interfere with successful settlement in Australia.

27. RCOA recommends that the Australian Government reverse its decision to reduce Asylum Seeker Assistance Scheme payments for young people aged 18 to 21 and ensure that they have full access to the Community Assistance Support Program.

28. RCOA recommends that:
a) meaningful educational opportunities be made available for asylum seekers in closed and community detention and asylum seekers living in the community on Bridging Visas; and
b) English language classes for asylum seekers be expanded to 510 hours, commensurate with the Adult Migrant English Program (AMEP) to ensure that asylum seekers can communicate effectively while living in the Australian community.

29. RCOA recommends that the Australian Government abandon offshore processing of asylum seekers arriving by boat.

30. Should the above recommendation not be implemented, RCOA recommends that the Australian Government:
   a) work with the Governments of Nauru and PNG to:
      i. end the arbitrary and indefinite detention of asylum seekers in offshore processing facilities;
      ii. expedite the processing of asylum claims and address identified deficiencies in the Refugee Status Determination process, including those related to information for applicants, legal advice and representation;
      iii. address shortcomings in the physical conditions in offshore processing facilities, particularly in relation to appropriate accommodation and access to healthcare;
      iv. establish independent advisory bodies in both countries to monitor status determination and resettlement processes and conditions in offshore facilities; and
      v. develop clear guidelines to govern the treatment and care of asylum seekers subject to offshore processing, in line with international human rights standards, and establish mechanisms through which asylum seekers can seek resolution of, or redress for, any breaches of these guidelines.
   b) cease the transfer of all children and young people to offshore processing centres; and
   c) revise the current pre-transfer assessment process to enable to identification and exemption from transfer of individuals who are potentially vulnerable, whose needs cannot be met offshore and/or whose well-being would be compromised by transfer to an offshore processing facility.

31. RCOA recommends that the Australian Government abandon the Regional Resettlement Arrangement with PNG, in light of the inability of PNG to provide sustainable protection and support to refugees on a permanent basis.

32. RCOA recommends that the Australian Government restore a single statutory system of onshore processing for all asylum seekers, regardless of their mode of arrival.

33. RCOA recommends that the Australian Government, as a matter of urgency, recommence the processing of asylum claims in Australia.

34. RCOA recommends that the Australian Government ensure that all asylum seekers are eligible to apply for assistance under the Immigration Advice and Application Assistance Scheme, regardless of their mode of arrival.

35. RCOA recommends that the Australian Government abandon the reintroduction of Temporary Protection Visas and convert Temporary Protection Visas granted to date into permanent Protection Visas.

36. Should the above recommendation not be implemented, RCOA recommends that the Australian Government grant Temporary Protection Visa holders access to:
   a) the full suite of settlement services available to permanent humanitarian visa holders, including English language tuition;
   b) health, education and social support services at a level commensurate with permanent residents of Australia;
   c) opportunities to sponsor family members for resettlement in Australia and to travel overseas with right of return, in line with opportunities accorded to permanent humanitarian visa holders; and
   d) the opportunity to apply for permanent residency upon expiry of their Temporary Protection Visa.
37. RCOA recommends that the Australian Government amend the Immigration Guardianship of Children Act 1946 to remove the Minister for Immigration’s status as legal guardian of unaccompanied asylum seeker children and legislate an alternative guardian held at a Federal ministerial level.

38. RCOA recommends that the Australian Government, in consultation with State and Territory Governments:
   a) develop a national strategy for the care and support of unaccompanied minors; and
   b) explore options for delaying the discharge from care of asylum seeker young people aged between 18 and 21 who have ongoing care requirements.

39. RCOA recommends that the Australian Government, in recognition of the proven benefits of community-based alternatives over closed immigration detention:
   a) use immigration detention only as a matter of last resort and give priority to finding community-based alternatives for all asylum seekers currently in closed immigration detention;
   b) refrain from re-detaining asylum seekers awaiting a resolution of their status unless absolutely necessary on the grounds of health or security risks; and
   c) ensure that appropriate services, living conditions, healthcare and activities are provided to all people who remain in closed detention.

40. RCOA recommends that the Australian Government release all children from closed detention as a matter of urgency, including unaccompanied minors held on Christmas Island.

41. RCOA recommends that the Australian Government abide by its legislative requirement to ensure all children within its jurisdiction are enrolled in school, including children held in Western Australian and Christmas Island immigration detention facilities.

42. RCOA recommends that the Australian Government amend its contracts with service providers in immigration detention facilities to ensure all critical information is recorded and reported to Parliament on a regular basis.

43. RCOA recommends that the Australian Government respond to the findings of the UN Human Rights Committee and work towards resolving the situation of refugees subject to adverse security assessments by:
   a) Establishing a statutory review mechanism for security assessments made in relation to Protection Visa applicants; and
   b) Exploring alternative community-based arrangements to prolonged indefinite detention.

44. RCOA recommends that the Australian Government ensure that its asylum and immigration detention policies and processes enable families to remain together and separated family members to reunite. To this end, RCOA recommends amending the current practices of:
   a) Separating pregnant women from spouses and other children when transferring from Christmas Island or Nauru to the mainland for perinatal care;
   b) Separating family members to different offshore processing centres depending on date of arrival; and
   c) Maintaining the separation of family members across offshore processing centres and on mainland Australia, both in closed detention and in the community.

**Settlement issues**

45. RCOA recommends that the Australian Government develop a new regional settlement strategy, assessing potential and established regional areas as settlement locations, working with regional providers to plan and prepare for new humanitarian settlers, and ensuring sufficient numbers of referrals are made within each intake year to retain capacity and momentum in regional settlement locations.

46. RCOA recommends that funding to the Settlement Grants Program be increased in proportion to projected increases in need resulting from the 2012-13 expansion of the Refugee and Humanitarian Program and the reduced eligibility to Humanitarian Settlement Services for people granted Protection Visas.
47. RCOA recommends that the Federal Government develop a plan for ensuring smooth transitions between services for asylum seekers funded by the Department of Immigration and Border Protection and services for Refugee, SHP and Protection visa holders funded by the Department of Social Services (DSS), as well as transitions between settlement services and mainstream services funded within the DSS portfolio.

48. RCOA recommends that the Australian Government implement the Parliamentary Joint Committee on Migration’s recommendation, in its Inquiry into Migration and Multiculturalism in Australia, that the Adult Migrant English Program (AMEP) be expanded and enhanced, including through embedding the Settlement Language Pathways to Employment and Training program within the AMEP model.

49. RCOA recommends that the Department of Health increase funding for targeted and culturally sensitive mental health programs for refugee communities.
2. INTRODUCTION

The Refugee Council of Australia (RCOA) welcomes the opportunity to present this submission to the Australian Government, providing community views on current and future challenges for Australia’s Refugee and Humanitarian Program in 2014-15. This submission is informed by the ideas and expertise of individuals and organisations from across Australia – people who have settled here having survived the refugee journey, those who have applied for protection, and representatives of many of the organisations involved in supporting refugees, asylum seekers and humanitarian entrants.

In October and November 2013, RCOA conducted 47 consultations with service providers and refugee community representatives across all states and territories of Australia. This included 42 face-to-face consultations and five teleconferences. A list of consultation locations can be found in the appendices (see Section 7.1). Twelve face-to-face consultations were held in regional areas of Australia and one youth-specific consultation was held in Melbourne. A call for contributions to a discussion paper and consultation questions was also circulated through RCOA’s networks and website inviting written submissions, of which ten were received. In addition, RCOA conducted individual phone or face-to-face interviews with seven people upon request. In total, at least 845 individuals and representatives from 195 organisations participated in the process (see list in Section 7.2 of this report). This list includes only official organisations and does not represent the fact that people from more than 35 different national and ethnic groups participated in the consultations, including the Ahwazian, Bhutanese, Burmese, Burundian, Chaldean, Chin, Congolese, Egyptian, Eritrean, Ethiopian, Filipino, Hazara, Iranian, Iraqi, Karen, Karni, Kurdish, Liberian, Mandaeans, Oromo, Pakistani, Pashtun, Rohingya, Rwandan, Sierra Leonean, Somali, Somali Bantu, South Sudanese, Sri Lankan Tamil, Sudanese, Syrian, Tajik (Afghan) and Turkish communities.

This year’s consultations were guided by three key themes, agreed on by the Department of Immigration and Border Protection (DIBP) and RCOA:

- Australia’s response to international refugee needs;
- community views on refugee and asylum policy changes that took place in 2012-13; and
- the new Coalition Government’s refugee policy and future plans.

As the new Federal Government was sworn in just five weeks before the community consultation process began and many of its new policies were yet to be implemented, these consultations provided an important opportunity for community members to raise questions for clarification about the future of the Refugee and Humanitarian Program.

The consultations were conducted and the submission compiled principally by seven RCOA staff – Rebecca Eckard, Rebecca Langton, Lucy Morgan, Louise Olliff, Paul Power, Eileen Wahab and Andrew Williams. However, this submission is the result of the collective efforts of many people. Twenty-nine agencies hosted consultations, inviting community members and service providers from their areas to participate. The help of key staff in these organisations was invaluable and their generosity and hospitality were much appreciated. The principal researchers were also supported by volunteers in RCOA’s Sydney and Melbourne offices, including: Tiffany Reed Marshall, Mimi Oorloff and Touka Shoukor.

The consultation process and preparation for this submission was funded by DIBP. RCOA appreciates DIBP’s support and its openness to receiving honest feedback from the community about the Refugee and Humanitarian Program and government policies and practices which impact on refugee entrants. This openness contributes significantly to building public confidence in the Australian Refugee and Humanitarian Program. We particularly appreciate the ongoing support given by Jim O’Callaghan, Penelope Lee, Chitra Herft and Romany Nanayakkara and their colleagues in DIBP’s Humanitarian Branch throughout the process of developing the submission.
3. INTERNATIONAL REFUGEE NEEDS

3.1. GLOBAL REFUGEE TRENDS

In its 2012 Global Trends report, the United Nations High Commissioner for Refugees (UNHCR) revealed that the number of people displaced by persecution, conflict, generalised violence and human rights violations had increased significantly from 42.5 million in 2011 to 45.2 million by the end of 2012. Of these, 15.4 million were refugees (10.5 million were refugees under UNHCR’s mandate and 4.9 million were Palestinian refugees under the mandate of the UN Relief and Works Agency), 937,000 were asylum seekers and 28.8 million are internally displaced persons. UNHCR estimates that at least 10 million people were affected by statelessness in 2012.¹

Table 1: Forced displacement, 2012²

<table>
<thead>
<tr>
<th>Forcibly displaced persons</th>
<th>Number displaced</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugees</td>
<td>15.4 million</td>
</tr>
<tr>
<td>Refugees under UNHCR’s mandate</td>
<td>10.5 million</td>
</tr>
<tr>
<td>Palestinian refugees under UNRWA’s mandate</td>
<td>4.9 million</td>
</tr>
<tr>
<td>Asylum seekers</td>
<td>1 million</td>
</tr>
<tr>
<td>Internally displaced persons</td>
<td>28.8 million</td>
</tr>
<tr>
<td>TOTAL</td>
<td>45.2 million</td>
</tr>
</tbody>
</table>

In 2012, 7.6 million people were forcibly displaced – the highest level since 1994 – largely due to conflicts in the Democratic Republic of Congo, Mali, Syria and the border area between Sudan and South Sudan. On average, 23,000 people were displaced each day in 2012, five times more than in 2010. Many of them – 6.5 million – were displaced within the borders of their own countries.

Of the 10.5 million refugees under the mandate of UNHCR, the top countries of origin were Afghanistan (2,585,600), Somalia (1,136,100), Iraq (746,400), Syria (728,500) and Sudan (569,200). As with previous years, most refugees fled to neighbouring countries and remained within their region of origin.

Table 2: Refugees and asylum seekers, 2012, by regions of origin and asylum³

<table>
<thead>
<tr>
<th>Region</th>
<th>By region of origin</th>
<th>By region of asylum</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Refugees (including people in refugee-like situations)</td>
<td>Asylum seekers</td>
</tr>
<tr>
<td>Africa (Sub-Saharan)</td>
<td>3,504,601</td>
<td>324,967</td>
</tr>
<tr>
<td></td>
<td>33.4%</td>
<td>34.7%</td>
</tr>
<tr>
<td>Americas</td>
<td>495,824</td>
<td>34,721</td>
</tr>
<tr>
<td></td>
<td>4.7%</td>
<td>3.7%</td>
</tr>
<tr>
<td>Asia and Pacific</td>
<td>3,943,281</td>
<td>175,632</td>
</tr>
<tr>
<td></td>
<td>37.6%</td>
<td>18.7%</td>
</tr>
<tr>
<td>Europe</td>
<td>633,092</td>
<td>70,656</td>
</tr>
<tr>
<td></td>
<td>6.0%</td>
<td>7.5%</td>
</tr>
<tr>
<td>Middle East and North Africa</td>
<td>1,769,901</td>
<td>72,212</td>
</tr>
<tr>
<td></td>
<td>16.9%</td>
<td>7.7%</td>
</tr>
<tr>
<td>Various/Stateless</td>
<td>153,542</td>
<td>258,552</td>
</tr>
<tr>
<td></td>
<td>1.5%</td>
<td>27.6%</td>
</tr>
<tr>
<td>Total</td>
<td>10,500,241</td>
<td>936,740</td>
</tr>
</tbody>
</table>

Just over 2 million new asylum applications were lodged in 2012 through group recognition and individual application processes, an increase of 3% on the previous year and the second highest level of the past decade. Of these asylum applications, more than 21,300 were filed by unaccompanied or separated children, mainly from Afghanistan or Somalia, the highest number

² This table and other statistics used in the development of this submission are included in a separate statistical appendix published with this submission. The statistics for this table are from UNHCR Global Trends 2012.
³ Source: UNHCR Global Trends 2012.
since UNHCR started collecting such information in a systematic way. Close to 1.4 million people had their asylum applications assessed and were found to be refugees in 2012, largely possible only because of the impressive hospitality of a number of host countries. In 2012, Turkey received 318,636 new refugees, Jordan 134,412, Lebanon 133,293, South Sudan 101,448 and Ethiopia 95,447. Pakistan (1,638,456), Iran (868,242), Germany (589,737), Kenya (564,933) and Syria (476,506) hosted the greatest number of asylum seekers.

Table 3: Top ten countries of origin and asylum, 2012

<table>
<thead>
<tr>
<th>Rank</th>
<th>Country of origin</th>
<th>Total</th>
<th>Rank</th>
<th>Country of asylum</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Afghanistan</td>
<td>2,585,605</td>
<td>1</td>
<td>Pakistan</td>
<td>1,638,456</td>
</tr>
<tr>
<td>2</td>
<td>Somalia</td>
<td>1,136,143</td>
<td>2</td>
<td>Iran</td>
<td>868,242</td>
</tr>
<tr>
<td>3</td>
<td>Iraq</td>
<td>746,440</td>
<td>3</td>
<td>Germany</td>
<td>589,737</td>
</tr>
<tr>
<td>4</td>
<td>Syria</td>
<td>728,542</td>
<td>4</td>
<td>Kenya</td>
<td>564,933</td>
</tr>
<tr>
<td>5</td>
<td>Sudan</td>
<td>569,212</td>
<td>5</td>
<td>Syria</td>
<td>476,506</td>
</tr>
<tr>
<td>6</td>
<td>Dem. Rep. of Congo</td>
<td>509,396</td>
<td>6</td>
<td>Ethiopia</td>
<td>376,993</td>
</tr>
<tr>
<td>7</td>
<td>Burma (Myanmar)</td>
<td>415,343</td>
<td>7</td>
<td>Chad</td>
<td>373,695</td>
</tr>
<tr>
<td>8</td>
<td>Colombia</td>
<td>394,122</td>
<td>8</td>
<td>Jordan</td>
<td>302,707</td>
</tr>
<tr>
<td>9</td>
<td>Vietnam</td>
<td>336,945</td>
<td>9</td>
<td>China</td>
<td>301,037</td>
</tr>
<tr>
<td>10</td>
<td>Eritrea</td>
<td>285,142</td>
<td>10</td>
<td>Turkey</td>
<td>267,063</td>
</tr>
</tbody>
</table>

Securing durable solutions for refugees remains challenging. Of the 10.5 million refugees under UNHCR’s mandate, 6.4 million remain in protracted situations with no prospect of a solution in the near future. In 2012, an estimated 526,000 refugees returned home voluntarily – a similar number to the previous year. Just 89,007 refugees were resettled in 2012, slightly more than in 2011 but still a fraction of the 691,000 refugees UNHCR has identified as in priority need of resettlement.

The living conditions of many refugees remain as difficult as ever, as was highlighted in some detail by participants in RCOA’s community consultations. More than half of the refugees under UNHCR’s mandates live in difficult circumstances in individual accommodation in cities, towns and villages in countries of asylum – many without the legal right to support themselves and without other basic forms of legal protection. Only 36% live in managed camps, settlements or collective centres, according to UNHCR’s 2012 statistics. However, life for many camp-based refugees also involves a daily struggle to get sufficient food, water and other essentials to keep going, with few enjoying any freedom of movement or the right to a livelihood.

Table 4: Refugees by type of location, 2012

<table>
<thead>
<tr>
<th>Region of asylum</th>
<th>Planned or managed camp</th>
<th>Self-settled camp</th>
<th>Reception or transit camp</th>
<th>Collective centre</th>
<th>Individual accommodation (private)</th>
<th>Undefined or unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>1,870,368</td>
<td>393,643</td>
<td>1,120</td>
<td>20,428</td>
<td>378,738</td>
<td>110,174</td>
<td>2,774,471</td>
</tr>
<tr>
<td>Americas</td>
<td>349</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>251,583</td>
<td>554,618</td>
<td>806,550</td>
</tr>
<tr>
<td>Asia-Pacific</td>
<td>852,839</td>
<td>4,581</td>
<td>7</td>
<td>301,211</td>
<td>1,926,085</td>
<td>440,879</td>
<td>3,525,512</td>
</tr>
<tr>
<td>Europe</td>
<td>151,183</td>
<td>-</td>
<td>972</td>
<td>1,842</td>
<td>725,580</td>
<td>920,274</td>
<td>1,799,851</td>
</tr>
<tr>
<td>Middle East and North Africa</td>
<td>78,132</td>
<td>144,028</td>
<td>2</td>
<td>2</td>
<td>1,279,651</td>
<td>92,044</td>
<td>1,593,857</td>
</tr>
<tr>
<td>Total</td>
<td>2,952,871</td>
<td>542,252</td>
<td>2,099</td>
<td>323,483</td>
<td>4,561,637</td>
<td>2,117,899</td>
<td>10,500,241</td>
</tr>
</tbody>
</table>

Amended global resettlement total includes 429 refugees resettled in the Netherlands, as noted in UNHCR’s Statistical Yearbook 2012 but not included in UNHCR’s 2012 Global Trends.
6 Figures from UNHCR 2012 Global Trends, Table 17.
7 In many of the countries of asylum where refugees live in what UNHCR records as accommodation which is undefined or unknown, most refugees would have few options other than to live in private accommodation.
As challenging as global conditions for refugees were at the end of 2012, the situation became considerably worse in 2013, as the brutal civil war in Syria created refugee movement beyond anything seen for two decades. In the 11½ months to mid December 2013, the number of Syrian refugees registered in neighbouring countries in the Middle East grew by 1.8 million to 2.3 million.

3.2. REFUGEE PROTECTION CHALLENGES

In summarising the concerns raised by NGOs at the international level in 2013, RCOA identified nine global challenges facing UNHCR, governments, NGOs and communities in responding to the needs of refugees:

3.2.1. International support for Syria’s neighbours

As noted earlier, as at mid December 2013, 2.3 million Syrian refugees had been registered across the Middle East, with 57,000 awaiting registration and thousands more remaining unregistered. Almost all of these Syrian refugees are in just five countries – Lebanon (849,340), Jordan (569,003), Turkey (553,116), Iraq (210,612) and Egypt (130,841). The pressure on Syria’s neighbours is enormous – in housing, water supply, medical services and capacity to meet basic needs. As UN High Commissioner for Refugees, Antonio Guterres, noted on a visit to Jordan: “Without much more massive support, the international community cannot take for granted that the countries will be able to go on and accept hundreds of thousands or millions of Syrian refugees.”

A joint global appeal launched by UNHCR and 125 organisations in June 2013 had, after six months, achieved only 69% of its target of US$2.98 billion. The need for international support to Syria’s neighbours has been a central focus of this year’s international dialogue, looking at ways of safeguarding the protection of those fleeing the conflict, delivering material assistance to refugees and host communities, mobilising financial support to meet needs in host countries and enhancing resettlement, family reunion and other transfers to third countries. As 2013 closed and the impacts of the harsh winter weather were felt by Syrian refugees and people internally displaced by the civil war, UN agencies combined to issue a new appeal, seeking US$6.5 billion for humanitarian responses inside Syria and in neighbouring countries.

3.2.2. Encouraging the wealthiest nations not to turn away from protecting refugees

In its 2012 Global Trends document, UNHCR noted that the proportion of the world’s refugees hosted by developing countries had grown from 70% to more than 80% in a decade. Sadly, Australia is probably now the highest profile example of a wealthy country turning its back on people seeking refuge, with the reintroduction of policies to prevent asylum seekers from remaining in Australian territory. For years, many countries have been increasing their restrictions on the entry of citizens of refugee-producing countries, through tougher visa laws, tighter regulation of entry by air and efforts to reduce entry by land and sea. In Europe, wealthier countries in the north and west of the continent have increasingly been shifting responsibility for monitoring entry of non-Europeans to states on Europe’s southern and eastern frontiers.

3.2.3. Providing prompt access to refugee status determination procedures

In many countries, people attempting to seek asylum struggle to get access to any form of refugee status determination (RSD) process or face interminable delays in their asylum process. Responsibility for RSD should rest with the government of the receiving state but in 66 countries

---

8 Key international meetings included the 2013 UNHCR Annual Consultations with NGOs (11-13 June), UNHCR Standing Committee meeting focusing on refugee protection (25-27 June), and Annual Tripartite Consultations on Resettlement (1-3 July). Full details can be found here: http://www.refugeecouncil.org.au/r/urpt/Protection_challenges_2013.pdf
9 Data from UNHCR (http://data.unhcr.org/syrianrefugees/regional.php) extracted 23/12/13
UNHCR has had to step in to provide a national RSD process. UNHCR is subject to considerable political pressure from some host governments to limit access to asylum – and, in some countries, actively prevented from RSD work. These problems can be clearly seen in different parts of Asia. Bangladesh has responded to the displacement in north-western Burma by preventing people from accessing any RSD process and in recent years by actively preventing the entry of refugees across its border. In Thailand, few of the refugees displaced from Burma since 2006 have had access to the RSD process which applies in border provinces and recent arrivals from countries such as Pakistan report that they are being excluded from applying for asylum through UNHCR’s RSD process in Bangkok. In Malaysia, newly arrived asylum seekers are being given access to UNHCR’s RSD process but are being required to wait more than two years for an initial interview.

3.2.4. Building momentum to tackle protracted refugee situations

Each year in its Global Trends report, UNHCR notes the considerable difficulties refugees have in achieving one of the three durable solutions – voluntary and safe return to the country of origin, integration in the country of asylum or resettlement to a third country. As fewer refugees are able to return home and local integration is unachievable in many countries of asylum, the number of refugees in protracted situations continues to remain high. UNHCR estimates that, at the end of 2012, 6.4 million of the 10.5 million refugees under its mandate were in protracted refugee situations, with no durable solution in sight. The lack of durable solutions for so many refugees is a significant factor in the long-term increase in the onward movement of refugees and asylum seekers, including the movement of people towards Australia. Better answers to protracted refugee situations are complex as they inevitably must involve countries of origin, asylum and potential resettlement in creating much greater access for refugees to safe repatriation, integration and resettlement.

3.2.5. Making refugee resettlement more effective as a strategic tool

In 2012, just 0.85% (89,007) of the 10.5 million refugees under UNHCR’s mandate were resettled. Even a doubling of global resettlement (and there is no reason to believe this is likely in the foreseeable future) would still see resettlement restricted to a small proportion of the refugees in desperate need of a durable solution. For years, resettlement countries and UNHCR have discussed the importance of using resettlement strategically, to unlock protection solutions for refugees who will never be given the opportunity to resettle. Through the Annual Tripartite Consultations on Resettlement (ATCR) process and the Working Group on Resettlement (which meets between ATCR gatherings), UNHCR and governments from resettlement states have worked together not only to negotiate resettlement programs with countries of asylum but also to support those countries in other ways, including through greater development assistance to support vulnerable populations. The collective successes in negotiating improvements to the treatment of refugees who remain in countries of asylum are very limited. For years, RCOA and others have been advocating for resettlement states to be more active in positively pushing for improved conditions for asylum seekers and refugees in the countries which are benefiting most from the international sharing of responsibility through resettlement. In 2012, the three countries from which the largest numbers of refugees were resettled were Nepal (16,754 refugees resettled), Malaysia (10,489) and Thailand (7,274) – the same three countries which have benefited most from resettlement each year for the past three years. Unfortunately, it is difficult to point to any significant improvements in the treatment of refugees in Nepal, Malaysia or Thailand which has resulted from resettlement nor is there clear evidence that countries of resettlement have pushed for improvements to occur in return for the comparatively high level of international support.

3.2.6. Improving physical security of the most vulnerable refugees

Any concentrated discussion of the situation of refugees either in camps or in urban settings inevitably turns to the fears many refugees have for their safety and security in the country of asylum. At the 2013 UNHCR NGO Consultations, questions of basic protection for refugees were yet again a major focus of international concern – including sexual and gender-based violence, the impossible choices for vulnerable women and girls forced into survival sex and the pressing need
to protect gay and lesbian refugees and asylum seekers in many contexts. Much has been said and written about these matters in recent years but the focus of the 2013 discussions was on the collective responsibility of UNHCR and NGOs working with refugees to shift from rhetoric to reality and from policy to implementation.

3.2.7. Preventing the slide towards insecurity in countries at greatest risk

In just two years, Syria has shifted from being a major country of refuge to the country of origin of 2013’s most rapidly escalating refugee crisis. In his address to the closing plenary of the 2013 UNHCR NGO Consultations, Mr Guterres noted that the international community had lost most of its capacity to prevent conflicts. While the UN Security Council (of which Australia is currently the chair) is tasked with leading the international response to new crises, the sad reality is that it often fails to do this effectively when it is most required, such as in the Syria crisis. UNHCR and a number of UN agencies are given the mandate of responding to crises but little work is being done internationally to prevent the conflicts which will lead to future refugee flows. While it is not possible to predict where future conflicts will occur, many observers are worried about current trends in countries such as Afghanistan (where a significant proportion of the population fears a possible resurgence of the Taliban from 2014) and Pakistan (where growing instability is increasing the flow of asylum seekers from religious and ethnic minorities and pushing long-term refugees to seek greater safety elsewhere).

3.2.8. Developing alternatives to detention

In response to the increased use of immigration detention over the past 20 years, citizens and NGOs are increasingly questioning the way in which governments are using detention as a way of managing asylum seekers, drawing attention to its harmful and costly nature and its ineffectiveness as a deterrent. The movement towards alternatives to detention was pushed along by the 2012 release of UNHCR’s “Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum Seekers and Alternatives to Detention”. NGO networks including the International Detention Coalition and the Asia Pacific Refugee Rights Network have been actively promoting the use of detention alternatives, building awareness of successful models operating in many countries and pointing out that these models have reduced mental ill-health and self-harm, saved money and increased compliance with government asylum processes.

3.2.9. Promoting greater opportunities for refugees to support themselves

In camps and in urban settings in many countries, refugees express deep frustration at the barriers they and their families face in getting access to appropriate education and to the right to work legally. Millions of refugees are left in enforced idleness in refugee camps or in situations where they have no choice but to break the law in order to support themselves. If, as non-citizens with little or no legal protection, refugees break the labour laws of the country of asylum, they are at high risk of being exploited by ruthless employers, victimised by corrupt officials or subjected to detention and other legal penalties. Whether a refugee ultimately returns to the country of origin, remains in the country of asylum or is resettled to a third country, access to education and the right to a livelihood are essential to building a sustainable future.

3.3. FEEDBACK ON CONDITIONS IN COUNTRIES OF ORIGIN AND ASYLUM

RCOA regularly receives information from diaspora communities in Australia about conditions faced by people fleeing persecution overseas. This section summarises feedback gathered from community representatives during the consultation process and in other forms over the past 12 months.
3.3.1. Countries of origin

**Afghanistan**
A number of consultation participants expressed concern about the implications of the withdrawal of international forces and 2014 elections for future security in Afghanistan. One participant in Tasmania who had recently returned after working for several years in Afghanistan reported that people of many ethnic groups (including Hazaras, Tajiks and Uzbeks) fear the resurgence of the Taliban and fear another civil war. A lot of information about fears for the future and about safe alternatives is shared by word of mouth and Australia is high on the list of safe places discussed.

**Eritrea**
Community representatives reported that Eritreans continue to flee the country due to open-ended compulsory military service, forced labour, suppression of freedom of expression, association and religion, arbitrary arrest and detention, torture and extrajudicial killings. One consultation participant reported that “young Eritreans are left with no options, except to flee from oppression, inhumane treatment, and indefinite military service, in order to rebuild their lives and to fulfil their aspirations.”

**Iran**
A number of consultation participants from Iran spoke of their experiences of persecution on political, religious and racial or ethnic grounds. One community representative reported that “in Iran, you are forced to believe something, religious and political views we find unacceptable. If we say something against the government, we can be imprisoned.” A service provider in Queensland reported that “Iranian clients show me scars on their bodies from the torture they received from the police in Iran”. An Ahwazi asylum seeker reported that Iranians of Arab descent “have no rights either in Iran or in Iraq... People have been executed because of their ethnicity and need to be recognised as a minority group who are being persecuted. We have not been recognised as a persecuted community needing protection under the international convention.”

**Pakistan**
The Ahmadiyya Muslim community raised concerns about ongoing persecution of Ahmadis in Pakistan, including: religiously-motivated murders; use of the blasphemy laws and anti-Ahmadi ordinances to intimidate, harass, repress and imprison Ahmadis; suppression of worship, including through the destruction or seizure of mosques; destruction of property; denial of the right to peaceful assembly; boycotts of and attacks on Ahmadi-owned businesses; discrimination in education; desecration of burial sites; bans on sporting competitions; threats and harassment, which are rarely investigated by authorities; abductions and assault; exclusion from political processes; and restrictions on the press and publications.

**Sri Lanka**
A number of consultation participants expressed concern about the human rights situation in Sri Lanka. A Tamil community representative said: “I came to Australia not to earn money but for safety. If this meeting was in Sri Lanka, we could not speak. To have our voice heard... it is not safe to have this in Sri Lanka.” Another community representative reported that asylum seekers returned to Sri Lanka are confronted and punished when they arrive back in their villages and ex-soldiers are placed in camps and questioned about their networks. A service provider from regional New South Wales stated: “A lot of the guys I was working with were Sri Lankan. They were saying that although the war had stopped, they were still being abused and victimised because they were Tamil.” RCOA also received feedback about the situation of Sri Lankan Muslims, who are facing increased harassment and violence, including destruction of mosques, disruption of prayer and religious education, physical attacks and rape.

**Other countries of origin**
Additional concerns raised about conditions in countries of origin include:
- The situation of religious minorities in Syria (such as Alawi, Catholics, Chaldeans and Maronites) who are at increasing risk of persecution and harassment.
• Ongoing violence and insecurity in the Congo, in particular sexual violence against women, and the failure of the international community to hold the Congolese Government to account due to commercial interests.
• The need for further reconstruction and development in South Sudan.

3.3.2. Countries of asylum

Afghans in Iran and Pakistan
Consultation participants expressed ongoing concern about the lack of protection for Afghan Hazara refugees living in Iran and Pakistan. One Afghan community representative reported that “In Iran, the Afghan people don’t have any rights in terms of sending their children to school. Even if, for example, you want to buy a house, you cannot buy a house. An Iranian should buy the house for you. It should be under the name of somebody else.” Another raised concerns about Iranian authorities preventing Afghan refugees from burying deceased family members and pressuring refugees to repatriate. Ongoing concerns were expressed about volatile security conditions in Pakistan (particularly in Quetta) and the active targeting of Hazaras by armed groups. One community representative also drew attention to the difficulties faced by refugees who do not have documentation: “It is very hard to navigate in that area [Quetta] particularly for someone who is fleeing, with no documentation. At least I was secure. The police were not charging me for having no documentation. I had enough documents to provide that I was legal there. But someone who has no documentation, the police would charge them.” Additionally, community representatives highlighted difficulties faced by refugees in accessing UNHCR offices in both countries.

Anuak refugees from Ethiopia in South Sudan and Kenya
Concerns included: the denial of refugee status in Alari refugee camp in South Sudan and Ifo refugee camp in Kenya, despite ongoing intimidation, killings and forced eviction in Ethiopia; lack of capacity in South Sudan to protect Anuak refugees, particularly given South Sudan’s links with Ethiopia; lack of adequate health services for refugees in South Sudanese camps; inadequate primary education, especially in South Sudan, and difficulties in gaining access to secondary education in Ifo; and water shortages and lack of sanitation in South Sudanese camps.

Banyamulenge refugees from Democratic Republic of Congo
Concerns included inappropriate or inadequate medical treatment for pregnant women in Sherkole refugee camp, Ethiopia, resulting in complications or miscarriage; Banyamulenge refugees being accommodated alongside groups which have historically persecuted the Banyamulenge people, which is causing unease among the Banyamulenge community (particularly where staff, e.g. health care workers, belong to these groups); and reports of ongoing violence against Banyamulenge refugees in Burundi, Kenya, Uganda and Ethiopia.

Eritreans in Djibouti, Ethiopia and Sudan
Concerns included prolonged detention and lack of medical care for detainees in Djibouti; young Eritreans fleeing forced conscription and slave labour being held as prisoners of war in Djibouti, despite most never having engaged in conflict with Djibouti; torture and killings in Ethiopia; lack of education, training and employment opportunities in refugee camps in Sudan; fear of forcible return from Sudan to Eritrea; lack of resettlement opportunities for refugees residing in Sudan; and fear of being abducted by the Eritrean Government or traffickers.

Europe
Feedback was received about the difficult conditions faced by people seeking protection in Europe. An Eritrean community representative reported: “I came from the EU, from Malta. There are so many of us there. We have no protection. Children born there have no citizenship. In Malta and Italy, people are sleeping on the street. In Malta and Greece, people cannot go forward and they cannot go back.” An Afghan community representative highlighted the dire circumstances of Afghan refugees and asylum seekers in Greece, where Afghan families are living on the streets and in parks without any support from the Greek Government and with very limited assistance from NGOs. It was reported that people in this situation have been attacked by ultra-nationalists and gangs and, as a result, some have died. In addition, it was noted that thousands of Afghan asylum
seekers are at risk of deportation from European countries, including Sweden, Norway, Holland and Finland.

**Iranian refugees in India**
Concerns included lack of formal legal status and valid identity documentation, leading to risk of deportation and difficulties in accessing services; lack of work rights and access to financial support from UNHCR; lack of access to tertiary education; lack of basic amenities, inadequate sanitation and medical services; and a sense of insecurity due to fears that the Iranian Secret Service may be operating in India.

**Kenya**
It was reported that refugees residing in urban areas of Kenya are facing increases in harassment and violence due to the Kenyan Government’s proposed encampment policy and alleged security concerns relating to Somali terrorist groups. This includes police harassment, extortion, intimidation, arbitrary arrest and detention, threats of deportation and physical attacks, including gang rapes of women and children. A Somali community representative in Brisbane reported: “The Kenya police ask: Are you Kenyan? No. I’m a refugee. Are you registered with UNHCR? Why are you not in the camp? Why are you staying in Nairobi? Then they will find out that the refugee has a relative in Australia and make him call the relative so that they can extort money from the family. You see this stressed woman here, running around borrowing money because her brother has been arrested.” They also noted that “whenever something happens on the border of Somalia and Kenya, the Kenyan police will retaliate against the Somali refugees in Nairobi. They will break down the doors of the refugees’ homes and rape women. These things are things I have witnessed personally.” While harassment is ostensibly targeting Somalis, police often fail to distinguish between Somalis and Eritreans, with the result that the latter also experience harassment and violence. It was also reported that refugees suffering from terminal diseases are required to travel to the camps for medical treatment, a journey which is often prohibitively costly and dangerous (with reported incidents of attacks and armed robbery).

**Nepal**
Concerns included maintenance of housing in refugee camps; cases of family separation due to delays in resettlement; drug use in refugee camps; the situation of stateless women married to refugees; and concerns about corruption within the resettlement process and lack of information about the progress of applications.

**Refugees under pressure to repatriate**
A number of consultation participants raised concerns about groups of refugees (including Burmese, Congolese, Liberians and Rwandans) who are facing pressure to repatriate despite ongoing fears of persecution or despite conditions not being conducive to safe and sustainable return. A Liberian community representative reported that “in some cases, I’ve heard that UNHCR will just look at the [registration card] and say: ‘The war in your country has ceased. You have to go back home’. They don’t look at the persecution that person is facing at that point in time.” A Burundian community representative similarly asserted: “Currently UNHCR and Immigration don’t go into those refugee camps to give them a chance to get a visa because their original country has peace. But still, having peace in their country of origin doesn’t mean that you have peace as an individual person. They should give them the chance and listen to their cases and see the reason they don’t want to go back. But they just look at it generally.” A Congolese community representative stated: “Officially, they can say there is no war in Congo; there is a new government. But every day there are about 400 women who are raped in Congo. Every day... I can’t describe what is happening in my country now. If you tell me to go back to Congo, I prefer to go to prison in Zambia than to go back to Congo... They kill people without war.” Several consultation participants highlighted the pressure faced by Burmese refugees to repatriate despite the lack of meaningful change in Burma. A community representative in Brisbane asserted: “There hasn’t been any real change in Burma... People who are suffering continue to suffer. Now people worry about repatriation. A lot of pressure is being applied to refugees in the camps by reducing food and rations, a lot of pressure to go back.” Another representative in Adelaide noted: “Burma has been transforming but, if we look at recent news, there are Government-sponsored communal
conflicts, communal violence happening. A lot of the Rohingya minority – 150,000 – has been displaced and hundreds and hundreds have been killed. There are ongoing conflicts in Kachin State despite the so-called peace process or peace talks."

**Syria**

Concerns were raised about the situation of refugees living in Syria who are now at risk of violence and further displacement due to the Syrian civil war. These included Iraqis (including Christian minorities), Palestinians and Afghans (including Hazaras). As noted by an Afghan community representative: “Syrian people themselves don’t have any security. Can you imagine those refugees being in this country and the situation they are in the moment? It’s really devastating.”

**Thailand**

A range of concerns were reported to RCOA about conditions faced by Burmese refugees in Thai refugee camps, including: nutritional inadequacy of basic rations, particularly for infants; limited access to education and vocational training; limited opportunities for employment, risk of natural disasters such as fires and floods and inadequate risk management plans; discrimination against Muslim refugees (restricted freedom of movement, not being permitted to trade or set up businesses, paying higher taxes and rent than other refugees, restricted access to NGOs, attacks on Muslim refugees and lack of recourse due to officials being connected with attackers, discrimination by some interpreters and local UNHCR officials); poor relationships between NGOs and the local UNHCR office, especially on issues relating to sexual and gender-based violence and support for survivors; and ongoing concern about lack of access to registration and refugee status determination. It was also noted that conditions in the camps have deteriorated in recent times due to (ostensible) reforms in Burma and consequent funding cuts and pressure to repatriate. A service provider in regional New South Wales reported: “I met a family who are now Australian citizens and have just come back from the camp [in Thailand]. They said it is very hard in the camp now, much harder than when they were there and they were growing up.” Community members fear that a reduction in food rations and medical support is being used to pressure refugees to return to Burma.

**Trafficking of refugees in eastern Africa**

RCOA received disturbing reports about the trafficking of refugees from Ethiopia, Eritrea, Somalia and Sudan. Community representatives reported that refugees are being abducted from camps in Sudan or deceived by people smugglers promising to provide passage to Israel, then trafficked to camps in the Sinai where they are held for ransom and subject to torture, mistreatment and organ theft. It was claimed that Sudanese and Egyptian border police are bribed by traffickers to secure their cooperation with these crimes.

**Refugee status determination and resettlement**

A number of consultation participants raised concerns relating to refugee status determination in various countries of asylum, including: lengthy delays in processing of applications; shortcomings in UNHCR processes (e.g. bias or corruption among assessors); and difficulties in accessing UNHCR (e.g. due to security issues). RCOA also received a number of reports of resettlement fraud, including: Burundian and Rwandan refugees claiming to be Banyamulenge in order to gain access to resettlement (and consequent fears that this may lead to Banyamulenge refugees being targeted by other refugee groups to deter them from informing camp authorities about the fraud); Rwandan and Burundian refugees similarly claiming to be Congolese to gain access to resettlement; and cases of suspected fraud within the Woman at Risk program (e.g. returning home very soon after arriving in Australia, seeking to sponsor partners or husbands for resettlement).

**Other countries of asylum**

Additional concerns raised about conditions in countries of asylum include:

- The lack of durable solutions available to Somali refugees.
- The lack of durable solutions available to Burundian refugees who are unable to repatriate, particularly those who have been living in camps in Kenya who are facing mental health issues due to the poor conditions.
• A recent wave of violent crimes targeting Rwandan refugees living in Uganda and South Africa, including abductions, disappearances, assassination attempts, murders and incidences of refoulement.
• Eritrean refugees imprisoned in Yemen being at risk of deportation.
• Lack of access to education and healthcare for Iraqi refugees living in Egypt.
• The situation of stateless groups from Iraq living in border areas near Iran and Syria who lack access to healthcare and education.
• Concerns about the impacts of deteriorating security conditions in Turkey on Iraqi refugees.
• Palestinian refugees being deported from Iraq, Jordan and Syria.
• Conditions faced by Syrian refugees in Lebanon, including some cases of harassment and deportation.
• Lack of work rights and risks of harassment and exploitation faced by refugees living in Malaysia.
• Concerns about the impact on refugees and asylum seekers of the poor level of cooperation between UNHCR and immigration officials in Indonesia, including discrepancies in data collection and difficulties faced by long-term refugees in gaining access to registration.

3.4. AUSTRALIA’S CONTRIBUTION TO INTERNATIONAL REFUGEE PROTECTION

3.4.1. Refugee and Humanitarian Program

According to UNHCR Global Trends data, Australia gave refugee protection to 8,367 asylum seekers and resettled 5,937 refugees from other countries in 2012. This represented 0.99% of the 1,450,394 refugees recognised or resettled during 2012. When the protection of refugees through asylum processes and the further protection of refugees through resettlement are considered together, Australia is ranked 19th overall, 22nd on a per capita basis and 38th relative to total national gross domestic product (GDP), based on the 2012 figures.

The UNHCR 2012 Global Trends statistics show that in 2012 Australia:
• Received 1.47% of the global total of 2,011,334 new asylum claims (20th overall, 29th per capita and 52nd relative to GDP).
• Gave refugee recognition to 0.61% of the 1,361,816 asylum seekers recognised as refugees (28th overall, 32nd per capita and 44th relative to GDP).
• Resettled 6.67% of the 89,007 refugees resettled (3rd overall, 2nd per capita and 2nd relative to national GDP).

Table 5: Australia in global refugee statistics, 2012

<table>
<thead>
<tr>
<th>Category</th>
<th>Global total</th>
<th>Australian total</th>
<th>Australia's share</th>
<th>Rank</th>
<th>Per capita</th>
<th>To total GDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugees under UNHCR mandate, 31 Dec 2012</td>
<td>10,500,241</td>
<td>30,083</td>
<td>0.29%</td>
<td>49</td>
<td>62</td>
<td>87</td>
</tr>
<tr>
<td>Asylum applications received in 2012</td>
<td>2,011,334</td>
<td>29,610</td>
<td>1.47%</td>
<td>20</td>
<td>29</td>
<td>52</td>
</tr>
<tr>
<td>Asylum applications pending, 31 December 2012</td>
<td>936,740</td>
<td>20,010</td>
<td>2.14%</td>
<td>11</td>
<td>22</td>
<td>54</td>
</tr>
<tr>
<td>Asylum seekers recognised as refugees, 2012</td>
<td>1,361,816</td>
<td>8,367</td>
<td>0.61%</td>
<td>28</td>
<td>32</td>
<td>44</td>
</tr>
<tr>
<td>Refugees resettled from other countries, 2012</td>
<td>89,007</td>
<td>5,937</td>
<td>6.67%</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Refugees recognised, registered or resettled, 2012</td>
<td>1,450,394</td>
<td>14,304</td>
<td>0.99%</td>
<td>19</td>
<td>22</td>
<td>38</td>
</tr>
<tr>
<td>Refugees recognised, registered or resettled, 2003-12</td>
<td>10,142,203</td>
<td>138,875</td>
<td>1.37%</td>
<td>19</td>
<td>24</td>
<td>56</td>
</tr>
<tr>
<td>Refugees hosted, 2012, and resettled, 2003-12</td>
<td>11,335,681</td>
<td>138,391</td>
<td>1.22%</td>
<td>22</td>
<td>25</td>
<td>66</td>
</tr>
</tbody>
</table>

Even a quick look at the global figures shows that the increased flow of asylum seekers to Australia is relatively small in international terms. While Australia received 29,610 asylum applications in 2012, Turkey received 325,301, Jordan 135,946, Lebanon 134,896, South Sudan 101,480 and France 97,643. When UNHCR releases its 2013 statistics in June 2014, the contrast...
between issues in Australia and in the Middle East will be even starker, due to the massive flow of refugees from Syria to neighbouring countries.

The Australian offshore resettlement program – and particularly the doubling of the offshore Refugee Program in 2012-13 – was a significant contribution in terms of global resettlement need. The expansion was even more remarkable in that it was achieved with no advanced warning, being the result of the Gillard Government’s implementation in August 2012 of a recommendation from the Expert Panel on Asylum Seekers led by Air Chief Marshal Angus Houston.\textsuperscript{13} RCOA publicly acknowledged that this expansion was achieved at short notice only because of excellent cooperation between staff of the Department of Immigration’s Humanitarian Branch and UNHCR’s Resettlement Service, noting that the combined effort drew international praise at the Annual Tripartite Consultations on Resettlement in July 2013.\textsuperscript{14}

Largely as a result of the Expert Panel’s recommended emphasis on providing alternatives to boat journeys for refugees seeking protection from various parts of Asia and the Middle East, the 2012-13 offshore Refugee and Humanitarian Program was skewed towards refugees from these two regions. UNHCR’s outline in 2012 of global resettlement needs for 2013 highlighted the scale of the need for resettlement of refugees from Africa and Asia.

\textbf{Table 6: Australia’s 2012-13 resettlement program, compared to UNHCR’s 2013 global needs}\textsuperscript{15}

<table>
<thead>
<tr>
<th>Region of origin</th>
<th>Australia’s resettlement program, 2012-13</th>
<th>UNHCR resettlement priorities for 2013</th>
<th>UNHCR’s 2013 estimate of resettlement needs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>1,421</td>
<td>79,743</td>
<td>377,908</td>
</tr>
<tr>
<td>Asia</td>
<td>6,034</td>
<td>53,064</td>
<td>386,785</td>
</tr>
<tr>
<td>Middle East and North Africa</td>
<td>5,038</td>
<td>28,804</td>
<td>51,884</td>
</tr>
<tr>
<td>Americas and Europe</td>
<td>22</td>
<td>12,285</td>
<td>32,091</td>
</tr>
<tr>
<td>Various</td>
<td>6,780</td>
<td>6,780</td>
<td>10,637</td>
</tr>
<tr>
<td>Total</td>
<td>12,515</td>
<td>180,676</td>
<td>859,305</td>
</tr>
</tbody>
</table>

UNHCR’s analysis of resettlement needs for 2014, released in July 2013, again emphasises the scale of resettlement need in Africa and Asia. In this document, just half of the 690,915 refugees classified by UNHCR as being in need of resettlement are originally from Africa and around 340,000 of these 350,000 refugees remain in the Africa region. Since it released its \textit{Projected Global Resettlement Needs 2014} document, UNHCR has encouraged resettlement states to consider additional resettlement of Syrian refugees, as part of a strategy to offer support to the five countries near Syria which collectively have received 2.3 million refugees in less than two years.

\textbf{Table 7: Projected Global Resettlement Needs 2014, by region of origin}\textsuperscript{16}

<table>
<thead>
<tr>
<th>Region of origin</th>
<th>2014 projected resettlement needs (persons)</th>
<th>UNHCR submissions planned for 2014 (persons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>349,909</td>
<td>39,235</td>
</tr>
<tr>
<td>Americas</td>
<td>30,191</td>
<td>2,053</td>
</tr>
<tr>
<td>Asia</td>
<td>259,688</td>
<td>38,552</td>
</tr>
<tr>
<td>Europe</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Middle East and North Africa</td>
<td>43,069</td>
<td>10,752</td>
</tr>
<tr>
<td>Various</td>
<td>8,018</td>
<td>3,481</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>690,915</td>
<td>94,113</td>
</tr>
</tbody>
</table>

\textsuperscript{16} Figures from restricted circulation version of \textit{UNHCR Projected Global Resettlement Needs 2014}, released to participants at the 2013 Annual Tripartite Consultations on Resettlement.
A number of consultation participants saw the potential for Australia’s Refugee and Humanitarian Program to play a more significant role in responding to global protection challenges. Several called on Australia to increase its resettlement intake in response to growing protection needs internationally. In the words of a service provider in Brisbane, “Australia has a responsibility to respond appropriately to the need and to the scale of the situation, so we need to increase the [intake] back to 20,000 as a bare minimum considering the Syria situation and what is happening in many other countries.” One service provider in regional New South Wales highlighted the need for Australia to use its resettlement program more strategically to achieve protection dividends for refugees who do not have the opportunity to be resettled.

3.4.2. Australian Government contributions to UNHCR

The importance of Australia’s financial support for UNHCR was acknowledged by many consultation participants. Community members and service providers acknowledged the importance of the Australian Government continuing and expanding its funding to UNHCR to enhance its capacity to provide timely refugee status determination, process applications for resettlement and provide protection and support to refugees and asylum seekers. Australia’s funding to UNHCR reached its highest level in 2013, as Table 8 notes.

Table 8: Australian Government contributions to UNHCR, 2002-13

<table>
<thead>
<tr>
<th>Year</th>
<th>Contribution in US dollars</th>
<th>Contribution in Australian dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>13,763,992</td>
<td>25,343,594</td>
</tr>
<tr>
<td>2003</td>
<td>10,468,020</td>
<td>16,136,818</td>
</tr>
<tr>
<td>2004</td>
<td>13,618,383</td>
<td>18,510,692</td>
</tr>
<tr>
<td>2005</td>
<td>13,276,439</td>
<td>17,429,162</td>
</tr>
<tr>
<td>2006</td>
<td>13,483,764</td>
<td>17,905,204</td>
</tr>
<tr>
<td>2007</td>
<td>16,689,110</td>
<td>19,946,537</td>
</tr>
<tr>
<td>2008</td>
<td>28,229,902</td>
<td>33,805,324</td>
</tr>
<tr>
<td>2009</td>
<td>32,873,505</td>
<td>42,149,056</td>
</tr>
<tr>
<td>2010</td>
<td>45,104,443</td>
<td>49,171,765</td>
</tr>
<tr>
<td>2011</td>
<td>56,537,400</td>
<td>54,795,384</td>
</tr>
<tr>
<td>2012</td>
<td>48,644,473</td>
<td>46,988,861</td>
</tr>
<tr>
<td>2013</td>
<td>57,522,352</td>
<td>59,103,795</td>
</tr>
</tbody>
</table>

3.4.3. Australia’s overseas aid program

Consultation participants across the country highlighted the important and potential role of Australia’s overseas aid program in addressing issues which drive forced displacement in countries of origin and alleviating the suffering of displaced populations in countries of asylum. A number of participants spoke of the negative impact that the recent $4.5 billion reduction in the aid budget will have on Australia’s contribution to international development efforts. Some also expressed concern about the diversion of aid to Australia, with one participant noting: “It’s a sad state of affairs that Australia has become the greatest recipient of its own overseas aid because it pays Australian contractors to detain people in developing countries, such as Nauru and PNG.”

It was suggested that targeting aid towards countries at risk of conflict may be a more effective way of preventing the mass displacement of people. For example, one participant in Adelaide spoke of the potential for Australian aid money to be used effectively on projects in regions of Afghanistan where Australian troops have been working to prevent mass displacement in the wake of the withdrawal of international forces in 2014. Another participant similarly suggested that:

The move that is most consistently supported by refugees themselves [is that the] government should provide significantly more assistance to the regions that most

---


18 Conversion from US to Australian dollars using exchange rates from OECD Economic Outlook No. 89, [Annex Table 36: Nominal exchange rates] http://www.oecd.org/document/61/0,3746,en_2649_34573_2483901_1_1_1_1,00.html.
people are fleeing from. No-one wants to flee their homeland, and assisting with the creation of stable and safe political and economic systems overseas by way of foreign aid, in countries like Afghanistan and Sri Lanka for example, will enable people to remain in their homes in the first place.

3.4.4. International advocacy and diplomacy

A number of consultation participants called on the Australian Government to play a greater role in advocating internationally to prevent displacement and address protection issues. In the words of a Hazara community representative: “The best way for Australia to do something about the problems faced by refugees is to work with international bodies to stop the violence and wars which cause people to leave. If there is no war, people will remain in their country.” Several participants recommended that the Australian Government negotiate with and apply diplomatic pressure to other countries to better protect their citizens from persecution or improve protection for refugees and asylum seekers. In a number of consultations, while there was widespread cynicism about the intentions of the government in Burma, there was some discussion of the potential for the Australian Government to test how serious the government there is about political change within the country, by emphasising the desperate need for peace-building in states where civil war is continuing to cause displacement, such as Rakhine and Kachin states.

Some urged the Australian Government to avoid legitimising governments which are corrupt or which violate the rights of their citizens. A Tamil community representative asserted: “Australia should not participate in rewarding governments which are killing people – like attending CHOGM (Commonwealth Heads of Government Meeting) in Sri Lanka or developing business links with Burma.” A Liberian community representative stated: “Look at the mining companies in my country. They are supporting the corrupt dictators there by giving them money. What is the Australian Government doing about it? Are they not part of the corruption? Are they not part of the problem?”

Some participants highlighted the opportunity presented by Australia’s membership of the United Nations Security Council. A service provider in regional New South Wales noted: “You can’t resettle four million people… But now that we’re on the Security Council, we have an opportunity to play a more political role.” A Congolese community representative stated that “the Australian Government wasn’t much involved in African affairs for a long time. Now they are a member [of the Security Council], they can push that agenda to stop violence against women in the Congo.”

As in previous years, a number of consultation participants emphasised the need for greater cooperation on refugee protection in the Asia-Pacific region and saw the potential for Australia to play a lead role in developing this cooperative regional approach. In the words of a service provider in Adelaide: “One of the best strategies to deal with that is to have a good understanding of the regional things, of what’s contributing to people coming to Australia. It’s good to have border protection but the reality is that it’s the regional collaboration that works.” Suggestions included lobbying other countries to improve protection for refugees and providing support to assist them to do so, encouraging countries in the region which have not yet done so to sign the Refugee Convention, improving access to refugee status determination, addressing security issues in some countries of asylum (such as Pakistan), offering targeted resettlement quotas and encouraging other resettlement countries to increase their resettlement programs. Indonesia and Malaysia were seen as being particularly important partners in the development of a cooperative regional approach to refugee protection.

3.5. POSSIBLE PRIORITIES FOR AUSTRALIA’S RESETTLEMENT PROGRAM

3.5.1. Feedback from community consultations

Feedback on what Australia’s resettlement priorities should be in the context of global needs was, unsurprisingly, mixed. While some community members felt that Australia’s resettlement priorities should align with UNHCR priorities, others advocated for the focus to continue on communities that have recently arrived so that communities can build a critical mass and families are able to be
reunited. Many consultation participants called on the Australian Government to focus on the most vulnerable and in need of resettlement, namely women and children, those in protracted situations and minorities in particularly dangerous situations (e.g. lesbian, gay, bisexual and transsexual refugees in regions where they face ongoing danger). As one community member in Sydney suggested:

For people who are vulnerable like women and children, if they fit the Convention criteria, the resettlement process should be quick. The longer they stay in areas where they don’t have protection, the more complex issues they will face after arrival in a new country (e.g. health issues)...

In terms of regional composition, a number of people recommended Australia increase its resettlement intake from within our immediate region, with a particular focus on refugees in Indonesia. Community members highlighted the dire and unsafe conditions facing refugees and asylum seekers in Indonesia and the lack of resettlement to date. Others suggested Australia should continue to prioritise refugees from countries where Australia has made a military commitment, namely Iraq and Afghanistan. As one service provider in regional New South Wales said: “Settlement is part of our obligation to these countries.” Many people spoke about the need to focus resettlement efforts on refugees who were being forced on from countries of asylum where security is rapidly deteriorating. This related most commonly to refugees living in Syria.

A number of consultation participants felt that Australia’s resettlement program should include a stated focus on family reunion and that the family members of refugee and humanitarian entrants in Australia who meet UNHCR criteria should be considered as a priority for resettlement. As one service provider suggested: “Take lessons from the successful resettlement of refugee families (including senior family members) from Bhutan living in regional New South Wales.” Indeed, many community members spoke about the vital role played by families in ensuring successful settlement outcomes and that protection is fully realised, and that more needed to be done to ensure families were resettled as intact as possible or were able to reunite as quickly as possible after arrival.

Finally, some specific ethnic, religious or national groups were identified as potential priorities for Australia’s resettlement program. In many consultations, Hazaras in Pakistan and Iran were identified as in desperate need of more resettlement places. As one community member in Melbourne said: “The Hazaras have faced persecution for thousands of years. The only thing that has changed is the weapons. There are millions of refugees in Pakistan and Iran and are called illegals. Australia’s solution is to ‘stop the boats’. But what we really need is for more refugees to be taken and for better and faster processes in Iran and Pakistan.” Two other groups mentioned were: refugees facing increasing insecurity on the border of Sudan and South Sudan; and Rohingya refugees from Burma. One consultant participant summarised the views of many: “Rohingya people should be given priority because they are stateless, and it doesn’t look like their situation will be resolved. In fact, the problems appear to be spreading... Australia could take more.”

3.5.2. Priority refugee situations identified through international dialogue

The Working Group on Resettlement, which brings together UNHCR, states and some NGOs between Annual Tripartite Consultations on Resettlement (ATCR) gatherings, has progressively identified a series of priority refugee situations in which enhanced cooperation between UNHCR and resettlement states might maximise protection solutions for refugees, including through more effective cooperation with countries of asylum. Current priority situations are: Somali refugees in Kenya; Afghan refugees in Iran and Pakistan; refugees of different backgrounds in Turkey; Iraqi refugees in Syria, Jordan and Lebanon; Colombian refugees in Ecuador; and Congolese refugees in Africa.

For each situation, ATCR delegates discussed recent achievements, current challenges and future plans. Among matters discussed were:
• **Somalis** – the difficulties in obtaining security clearances in resettlement countries for Somali refugees, the impacts of the Kenyan Government’s attempts to force Somali refugees out of Nairobi into refugee camps, and the changes within Somalia which are improving the prospects of voluntary return for some refugees.

• **Afghans** – the formation in December of a Contact Group in Pakistan (chaired by Australia) to increase dialogue between resettlement states and the Government of Pakistan; the fears of Afghan refugees about the prospect of forced return from Pakistan and the implications of the 2014 withdrawal of foreign troops from Afghanistan; and the role that the modest resettlement of refugees has played in improving dialogue with the Government of Iran.

• **Turkey** – the abolition in April of fees for residence permits for asylum seekers and refugees and improvements in access to medical care; and the greater pressure in Turkey caused by the recent influx of 500,000 Syrian refugees.

• **Iraqis in the Middle East** – the expanded use of videoconferencing by some resettlement states (most notably Australia) to ensure that resettlement interviews for Iraqi refugees in Syria continue despite the states’ inability to get visas into Syria for their staff, with UNHCR staff and interpreters in Syria putting themselves at considerable risk to continue the videoconferencing in the face of a brutal civil war in the country.

• **Colombians in Ecuador** – the increasing difficulties Colombians who have fled their country’s civil war are experiencing in getting a fair hearing for their claims of refugee status, with the refugee recognition rate falling from 89% in 2009 to just 4% in the first quarter of 2013 despite no significant changes in the profiles of new arrivals or the conditions in their country of origin.

• **Congolese** – the decision of the Working Group on Resettlement in February 2013 to designate the situation of Congolese refugees in Central, Eastern and Southern Africa as a priority situation in view of the continuing violence in the Democratic Republic of Congo and the complicated nature of past displacement, with many refugees displaced for 14 or 17 years.

### 3.5.3. Principles for Australia’s response

In our submission over the two previous years, we outlined a set of principles for the Australian Government’s response, based on feedback from community consultations. As this year’s consultation feedback was consistent with that of previous years, these principles are relevant for the planning of the 2014-15 Refugee and Humanitarian Program:

1. **The need for resettlement to be made widely available as a durable solution** – by expanding, not reducing, the Australian refugee resettlement program and advocating for other nations to follow suit.

2. **A focus on resettling the most vulnerable** – particularly those with disabilities, at risk of sexual and gender-based violence, unaccompanied minors, those at risk of detention and refugees isolated from community support (such as refugees well outside their region of origin).

3. **An emphasis on family unity** – taking into account the issues raised in Section 4.6 of this submission.

4. **The strategic use of resettlement to promote broader refugee protection** – encouraging the countries of asylum which benefit most from resettlement (such as Thailand, Nepal and Malaysia) to improve the protection of refugees who will not be resettled, by providing them some form of legal status, the right to work and freedom from detention.

5. **The need to balance resettlement needs in different regions** – taking particular note of the extent of resettlement needs in the Africa region, while also responding to pressing needs in Asia and the Middle East.

---

6. **A coherent overarching government strategy for refugee protection** – articulating how the Australian Government’s commitment to the protection of refugees is put into action in its refugee resettlement strategy, its official aid and development program, its involvement in multilateral forums and its diplomatic action on human rights in refugees’ countries of origin and asylum.

### 3.6. RECOMMENDATIONS

**Recommendation 1**

RCOA recommends that the Australian Government develop, publish and implement a framework for Australia’s refugee resettlement program based on:

- a) priority resettlement to the most vulnerable refugees, including women at risk, the most culturally isolated groups of refugees (e.g. small groups of African refugees in South and South-East Asia) and LGBT refugees;
- b) the promotion of family unity;
- c) the strategic use of resettlement; and
- d) the consideration of global resettlement needs in the development of regional allocations.

**Recommendation 2**

RCOA recommends that the Australian Government:

- a) abandon the proposed reduction of Australia’s overseas aid program, in light of its crucial role in assisting forcibly displaced people;
- b) work collaboratively with countries of asylum in the Asia-Pacific region to develop sustainable programs of support for the protection of refugees and asylum seekers within their borders and allocate additional resources for this purpose; and
- c) provide additional funding to UNHCR, given the increasing numbers of displaced people worldwide and UNHCR’s critical role in coordinating humanitarian responses to displacement.

**Recommendation 3**

RCOA recommends that the Australian Government, in its capacity as a member of the UN Security Council, provide positive leadership in international action to:

- a) address the drivers of forced displacement and respond to protection needs in countries of asylum, with a particular focus on refugees living in protracted situations and/or facing serious risks to their lives and freedom; and
- b) develop a comprehensive response to the growing Syrian refugee crisis.

**Recommendation 4**

RCOA recommends that the Australian Government work with other governments to apply positive diplomatic pressure to the Burmese Government to address the conflicts which are resulting in continuing displacement in different parts of the country, particularly in Rakhine and Kachin states.

**Recommendation 5**

RCOA recommends that the Australian Government, in consultation with UNHCR and non-government organisations working with refugees, develop a strategy for how its diplomatic and aid efforts can be targeted to support incremental improvements in the protection and support of refugees and asylum seekers in South-East Asia and South Asia, as part of a long-term vision for an Asia-Pacific regional agreement on refugee protection.
4. AUSTRALIA’S REFUGEE AND HUMANITARIAN PROGRAM

4.1. OVERVIEW OF THE 2012-13 PROGRAM

One of the major recommendations of the 2012 Expert Panel on Asylum Seekers was an immediate increase in the size of the Humanitarian Program from 13,750 to 20,000 places per annum. This increase was announced on 23 August 2012 and was successfully implemented, with 20,019 visas granted in 2012-13. This expansion resulted in an 87% increase in the number of offshore refugee visas granted, from 6,706 in 2011-12 to 12,515 in 2012-13.

In the 2012-13 program, 7,504 onshore Protection Visas were issued (37.5% of the overall program). The 12,515 offshore resettlement visas issued were under four Refugee sub-classes – Refugee sub-class (10,238 visas), In-country Special Humanitarian (71 visas), Emergency Rescue (30 visas) and Woman at Risk (1,673 visas) – and the Special Humanitarian Program (503 visas). The majority of those issued visas under the Refugee category had their cases put forward by UNHCR, while those entering under the SHP visa sub-class are proposed by permanent residents of Australia and Australian-based community organisations.

Table 9: Refugee and Humanitarian visa grants by sub-class, 2008-09 to 2012-13

<table>
<thead>
<tr>
<th>Visa sub-class</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11</th>
<th>2011-12</th>
<th>2012-13</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Offshore Refugee visas</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refugee (visa subclass 200)</td>
<td>5,653</td>
<td>5,173</td>
<td>5,211</td>
<td>5,140</td>
<td>10,238</td>
<td>31,415</td>
</tr>
<tr>
<td>In-country Special Humanitarian (201)</td>
<td>54</td>
<td>24</td>
<td>26</td>
<td>43</td>
<td>71</td>
<td>218</td>
</tr>
<tr>
<td>Emergency Rescue (203)</td>
<td>4</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>30</td>
<td>36</td>
</tr>
<tr>
<td>Woman at Risk (204)</td>
<td>788</td>
<td>806</td>
<td>759</td>
<td>821</td>
<td>1,673</td>
<td>4,847</td>
</tr>
<tr>
<td><strong>Offshore Special Humanitarian visas</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Global Special Humanitarian (202)</td>
<td>4,511</td>
<td>3,233</td>
<td>2,973</td>
<td>714</td>
<td>503</td>
<td>11,934</td>
</tr>
<tr>
<td>- 202 visas granted by ministerial intervention</td>
<td>75</td>
<td>11</td>
<td>8</td>
<td>2</td>
<td>-</td>
<td>96</td>
</tr>
<tr>
<td><strong>Onshore Protection visas</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Onshore Temporary Protection (785)</td>
<td>9</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>9</td>
</tr>
<tr>
<td>Resolution of Status (851)</td>
<td>39</td>
<td>8</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>54</td>
</tr>
<tr>
<td>Onshore Permanent Protection (866)</td>
<td>2,369</td>
<td>4,515</td>
<td>4,818</td>
<td>7,038</td>
<td>7,504</td>
<td>26,244</td>
</tr>
<tr>
<td>Temporary Humanitarian Concern (786)</td>
<td>5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>5</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>13,507</td>
<td>13,770</td>
<td>13,799</td>
<td>13,759</td>
<td>20,023</td>
<td>74,858</td>
</tr>
</tbody>
</table>

The expanded Refugee and Humanitarian Program in 2012-13 saw the total number of refugees resettled or given protection in Australia since Federation in 1901 pass the 800,000 mark. Since 1948, Australia has resettled 692,037 refugees through official programs, given asylum to 62,087 refugees since 1980 and the number of unassisted refugee and humanitarian arrivals between 1901 and 1975 is estimated at 53,000.

Table 10: Refugees and humanitarian entrants settled in Australia since 1901

<table>
<thead>
<tr>
<th>Category of refugees and humanitarian entrants</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugees settled as migrants, 1901 to 1946 (Parliamentary Library estimate)</td>
<td>20,000</td>
</tr>
<tr>
<td>Assisted humanitarian arrivals, January 1947 to June 1977</td>
<td>274,404</td>
</tr>
<tr>
<td>Unassisted humanitarian arrivals, 1947 to 1975 (DIAC estimate)</td>
<td>33,000</td>
</tr>
<tr>
<td>Offshore refugee and humanitarian entrants, July 1977 to June 2013</td>
<td>417,633</td>
</tr>
<tr>
<td>Onshore Protection Visas issued, July 1980 to June 2013</td>
<td>62,087</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>807,124</td>
</tr>
</tbody>
</table>


21 For sources for the figures in this table, see the detailed statistical appendix published with this submission.
Of those issued offshore Refugee or SHP visas during 2012-13, the top countries of birth were Iraq (4,064, 32.5%), Afghanistan (2,431, 19.4%), Burma (2,352, 18.8%), Bhutan (1,023, 8.2%) and Democratic Republic of the Congo (489, 3.9%). Figure 11 shows the change in regional composition of the offshore Refugee and Humanitarian Program over the past five years, with a continuing trend in 2012-13 to resettling the greatest number of people from Asia, with almost half (48.2%) of visas granted to persons originating from this region. The offshore intake from Sub-Saharan Africa continues to proportionally decline, with 11.4% of visas granted from this region in 2012-13 compared to 25.5% in 2009-10.

Figure 11: Offshore Refugee and Humanitarian visas granted by region, 2008-09 to 2012-13

In 2012-13, children and young people continued to represent the largest demographic of all Refugee and Humanitarian Program entrants, with 4,909 (or 39.2%) of offshore visas granted to children aged under 18 years and 2,960 (23.7%) visas granted to 18-29 year olds. This means that about two thirds of all offshore entrants were under the age of 30 on arrival.

Onshore Protection Visa holders continue to be predominantly from South Asia and the Middle East, with Pakistan now one of the top five countries of birth of onshore entrants. Those listed as stateless include Rohingya and Faili Kurds.

Table 12: Top five countries of origin for onshore Protection Visa holders, 2007-08 to 2012-13

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sri Lanka</td>
<td>China</td>
<td>Afghanistan</td>
<td>Afghanistan</td>
<td>Afghanistan</td>
<td>Afghanistan</td>
</tr>
<tr>
<td>China</td>
<td>Sri Lanka</td>
<td>Afghanistan</td>
<td>Iran</td>
<td>Iran</td>
<td>Iran</td>
</tr>
<tr>
<td>Iraq</td>
<td>Afghanistan</td>
<td>Sri Lanka</td>
<td>Stateless</td>
<td>Iraq</td>
<td>Pakistan</td>
</tr>
<tr>
<td>Pakistan</td>
<td>Zimbabwe</td>
<td>China</td>
<td>Iraq</td>
<td>Stateless</td>
<td>Stateless</td>
</tr>
<tr>
<td>Iran</td>
<td>Iraq</td>
<td>Iran</td>
<td>Iran</td>
<td>SRI Lanka</td>
<td>Sri Lanka</td>
</tr>
</tbody>
</table>

There has been a significant increase in the number of Protection Visa applications lodged in recent years. As Table 13 shows, 26,427 applications were lodged by both asylum seekers arriving by boat and by plane in 2012-13. This represented an 83% increase on the number of applications lodged in 2011-12 and a four-fold increase on the number lodged four years earlier. The greatest increase was in the number of refugee status determination requests received from asylum seekers who arrived by boat without visas.

---

Table 13: Protection visa applications lodged, 1 July 2008 to 30 March 2013

<table>
<thead>
<tr>
<th>Year</th>
<th>Protection visa applications lodged by ‘non-IMAs’</th>
<th>Refugee status determination requests received by ‘IMAs’</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-09</td>
<td>5,072</td>
<td>678</td>
<td>5,750</td>
</tr>
<tr>
<td>2009-10</td>
<td>5,981</td>
<td>4,597</td>
<td>10,578</td>
</tr>
<tr>
<td>2010-11</td>
<td>6,335</td>
<td>5,166</td>
<td>11,501</td>
</tr>
<tr>
<td>2011-12</td>
<td>7,063</td>
<td>7,373</td>
<td>14,436</td>
</tr>
<tr>
<td>2012-13</td>
<td>8,308</td>
<td>18,119</td>
<td>26,427</td>
</tr>
</tbody>
</table>

4.2. SIZE OF THE ANNUAL REFUGEE AND HUMANITARIAN INTAKE

4.2.1. Expansion in 2012-13

During last year’s consultations, the expansion of Australia’s Refugee and Humanitarian Program to 20,000 places was overwhelmingly endorsed by consultation participants, with the caveat that the increased arrival numbers be matched with careful planning and additional resources for settlement services to ensure that they could continue to deliver successful settlement outcomes. A year on, consultation participants continued their strong endorsement of an expanded Refugee and Humanitarian Program. Several service providers reported that they had been able to cope well with the increase – a participant in regional Victoria, for example, commented that the increase “had its effect but service providers managed it, scaled up. We responded well and are happy to respond for something like that.” A number of participants (particularly those in regional areas) reported that they had not seen a significant increase in arrival numbers and felt that they had capacity to support larger numbers of refugee entrants.

Other service providers, while strongly supportive of the increase in the humanitarian program, reported that the concentration of much of the increase in arrivals in just a few months created challenges for their organisations. As Humanitarian Settlement Services (HSS) funding is based on a fee-for-service model, some services reported that they struggled to survive financially through the first half of 2012-13 because the number of resettled refugees arriving was so low. However, in the final months of 2012-13 and early months of 2013-14, the increase in arrivals was so rapid that some services were struggling to respond, being left without sufficient time for advance planning. A service provider in a regional city, for example, reported that, after many lean months, his organisation had received the equivalent of its usual annual caseload in just 10 weeks: “We expanded staff, got people to work harder, recruited more volunteers and changed our service delivery models to cope. The difficulty was in the scaling up and down. We kept staff during the down times but it cost the organisation a lot of money.” Another regional service provider expressed frustration that the warnings sounded during RCOA’s consultations the previous year had not been heeded:

This was the issue that was flagged almost 12 months ago when we talked about the [increase to] 20,000. The service delivery wasn’t going to be increased with that. It was flagged that there were going to be issues and the issues are now at the surface. Everyone’s struggling. We can’t keep up with appointments, we haven’t got the caseworkers, we’re understaffed. The reality is being seen on a day-to-day basis now with these families.

A service provider in South Australia also noted that its capacity to support increased numbers of resettled refugees had been undermined by policy changes in other areas, namely the higher demand for support services resulting from the release of asylum seekers into the community without work rights.

---

24 DIBP (2013), Asylum Trends 2012-13, Table 1. The term “IMAs” (“illegal maritime arrivals”) is used by DIBP to refer to asylum seekers who arrive by boat without valid visas. “Non-IMAs” refers to all other asylum seekers. As is noted elsewhere in this submission, the use of the word “illegal” in this way is not accepted as accurate or legitimate by many people of refugee background and services working with asylum seekers and refugees.
While the expansion of Australia’s Refugee and Humanitarian Program was strongly supported, some consultation participants were more guarded in their praise. A representative from the Hazara community, for example, highlighted the need for Australia to look beyond resettlement in responding to international protection needs:

6,000 [additional] people is not an answer. I know why [the intake was increased], because they wanted to encourage people not to come by boat but since they introduced this policy, the people who came by boat increased. It shows that it’s not a good answer to what the refugee needs... This is why I say it is not an answer and we have to think beyond what we have at the moment.

Another community representative made similar comments, describing resettlement as being “a bit like taking a spoon from the ocean”. Other participants felt that Australia’s resettlement intake should be further increased in light of high global protection needs – one participant commented in a written submission that “the 20,000 was still too low considering the 14 million refugees worldwide”. A service provider in Western Australia expressed concern that framing the expansion of the resettlement program as a strategy to provide alternatives to dangerous boat journeys could reinforce the perception that resettlement is the right way to seek protection:

It creates the illusion again of a divide between those people who come in through the humanitarian settlement program who are ‘more worthy’ – meaning there’s a perception that they’re more worthy than those who come by boat – and that will further vilify those who came by boat because they didn’t fit into the other ‘more legitimate’ program.

4.2.2. Decrease in 2013-14

Following the change of government in September 2013, the size of the Refugee and Humanitarian Program was reduced to its former level of 13,750, with the majority of places dedicated to the offshore component of the program. Not a single consultation participant expressed support for this change. While some had expressed reservations about the capacity of services to cope with increased numbers in the absence of additional funding, none expressed the view that the decrease was a positive or constructive policy decision. Indeed, a number of consultation participants felt that the decision to reduce the size of the program was counterproductive and undermined the stated aims of the Government’s refugee and asylum seeker policies. A service provider in Sydney, for example, commented that “the Coalition continues to say that they will give priority to the people that are ‘genuine refugees’ who are waiting in the queue but to do that you need to maintain the numbers not cut the numbers”. A service provider in regional Victoria noted: “If they are trying to stop people coming on boats, reducing offshore processing numbers doesn’t make sense. Process people before they get on boats, from the places that they are coming from.”

A number of participants felt that it was inappropriate for the Government to reduce the size of the Refugee and Humanitarian Program at a time when forced displacement is on the rise and protection needs are becoming more acute. Several argued that Australia should, if anything, further increase the size of its resettlement program beyond 20,000 places in response to the global situation. The following comment from a community leader in Adelaide was typical:

Now that we are withdrawing from Afghanistan, there are about 2,000 people who were working with the Australian Government... What will they do with them? Their life is already in danger. In Syria, thousands of people are now everywhere. At this time, I think it’s a bad policy of reducing the refugee intake instead of increasing it.

Others expressed concern about the impact of the decrease on Australia’s international reputation, including our capacity to work with the international community to resolve refugee protection needs. One participant argued in a written submission that maintaining a larger resettlement program would place Australia “in a credible position to pressure other countries in the region to improve their treatment of asylum seekers and push for the adoption of regional standards”. A service provider in Tasmania noted that sudden increases and decreases in Australia’s
resettlement program “sends a bad message to our [international] partners about whether we can be relied upon”. A representative from the Burmese community asserted:

_I think the cutting of the refugee intake, particularly in the international community, will portray Australia as a very irresponsible country despite it claiming to be a good international citizen. Australia should think about taking more refugees. Being a member of the UN Security Council, it should take more responsibility for helping the most vulnerable groups in the world._

Several service providers highlighted the significant time, energy and resources that had been invested in expanding the capacity of their services and expressed frustration that these efforts would be squandered should the program be decreased. In the words of a service provider in Brisbane: “If the program contracts, that additional capacity will quickly be lost within the sector and beyond. If the program expands at a later date, it is really hard to train up people again. There is existing capacity and now is the time to utilise it.”

4.3. COMPOSITION OF THE PROGRAM

At the time of the consultations, the Government had not announced the composition of the Refugee and Humanitarian Program by visa subclass. As a result, feedback on the composition of the Refugee and Humanitarian Program was limited and quite general, being based largely on the policy statements issued by the Liberal-National Coalition prior to the September 2013 election.

Some participants requested further information about the planned composition of the Refugee and Humanitarian Program. One called on the Government to provide more information on In-country Special Humanitarian visas, noting that awareness of this visa and of how to apply for it was limited. A few participants expressed long-standing concerns about the numerical linking between the onshore and offshore programs and its impact both on the size of the Special Humanitarian Program and on relations between different refugee communities (e.g. people who arrive as asylum seekers viewed as “taking” places from the resettlement program that could have been granted to family members). Some participants noted that the new Government was aiming to create more space for SHP visas within the program of 13,750 places but was doing this by putting limits on the number of permanent Protection Visas. Few consultation participants seemed prepared to accept the Government’s suggestion that this approach represented a delinking of the offshore and onshore programs.

In discussing the composition of the Refugee and Humanitarian Program, a number of participants suggested that the Government should explore options for resettling refugees under other streams of Australia’s migration program, so as to make more space available within the humanitarian stream. For example, some participants noted that many refugees are highly skilled and, in different circumstances, may have been able to qualify for some form of skilled migration. Similar comments were made about the family stream of the migration program. Clearly, any diversion of humanitarian visa applicants to non-humanitarian migration streams would require careful consideration and planning, particularly with regards to safeguards against _refoulement_ and access to specialist humanitarian settlement support services. However, given that UNHCR has previously highlighted protection-sensitive migration as a potential durable solution for refugees, this is a strategy which warrants further exploration.

As with composition by visa subclass, participants were not able to offer much feedback on regional composition due to the limited information on resettlement priorities released by the Government to date. However, a significant number of participants expressed concern about the declining proportion of refugees being resettled out of African nations. They noted that resettlement needs in the region remain high and expressed a desire for Australia to restore regional balance to its resettlement program. One participant expressed concern that refugees living in African countries were resorting to increasingly desperate measures as protection opportunities declined (such as dangerous sea journeys across the Mediterranean and even to Australia) and called on

---

25 See Table 6 on page 25 of this submission.
Australia to play a role in providing alternative solutions for refugees in Africa through resettlement. Another voiced concerns that Somali nationals were being excluded from the Australian resettlement program due to security issues.

4.4. COMMUNITY PROPOSAL PILOT

In June 2013, the government announced details of a Community Proposal Pilot (CPP), a program of up to 500 visa places within Australia's existing Humanitarian Program.\(^\text{26}\) The CPP allows approved proposing organisations to propose someone in a humanitarian situation outside of Australia for a Refugee or Humanitarian visa. For the pilot, five approved proposing organisations – AMES and Brotherhood of St Laurence (Victoria), Illawarra Multicultural Services and Liverpool Migrant Resource Centre (New South Wales) and the Migrant Resource Centre of South Australia – will work with supporting community organisations to identify people to propose, support their visa application and, if successful, help them to settle in Australia. Details of the pilot, which is being conducted in 2013-14, include two-stage visa application charges of between $20,000 and $30,000 for a family.

During last year’s consultations, participants expressed mixed feelings about the CPP (which at the time was still under development). Some welcomed the idea of a community proposal program as an alternative avenue for resettlement and opportunity for the community to become more closely involved in the resettlement process. Others were more sceptical, expressing concerns that it was being used by the Government as a means of saving money and deflecting its obligations towards refugees. Participants also raised a number of concerns relating to the selection process, the likely bias towards better-resourced and better-connected communities, access to services and support, the weight of responsibility likely to be imposed on sponsors and the potential for the Pilot to be abused or result in exploitation. Many of the same concerns were reiterated during this year’s consultations but, following the commencement of the Pilot in June 2013, participants were also able to offer more detailed feedback on the issues such as the cost involved and the operation of the program.

The most commonly raised concern related to the visa application fees. Many participants were of the view that these fees were excessive, to the point that the Pilot was simply not an option for their communities or clients. A representative from the Ethiopian community was of the opinion that the visa fees undermined the humanitarian nature of the program: “It is better if they change the name because this is not a refugee or humanitarian program. If it is a humanitarian or refugee program, it should be free. There should be no payment involved.”

Considerable concern was expressed that the program would benefit communities with more financial resources and greater fundraising capacity while new and emerging communities would be likely to miss out. A service provider from New South Wales reported that, among its clients, “most of the people that were interested [in the Pilot] were from Middle Eastern backgrounds … because they had more resources behind them… It wasn’t available to other less supported [communities] who had less resources.” A representative from the Burmese community reported that it would be difficult for his community to raise the necessary funds given that many people from Burmese backgrounds had been living in a protracted refugee situation for two decades or longer. Others raised concerns that the costs involved could place significant financial pressure on individuals or communities with limited resources.

Some participants also asserted that the Pilot would only be of real benefit to communities which were well-organised and had good connections. A service provider in Victoria suggested that “people with power” would be more likely to succeed under the pilot while a representative of the Ethiopian community felt that it was unfair for the majority of refugees: “Of course, for people who can afford it, it is another alternative or another chance… [But] at the end of the day, there is

---

nothing to benefit refugee communities. People who cannot afford it are not able to do it and they
are not reunited with their family.”

Another major area of concern was the deduction of the 500 places available under the Pilot from
the existing Refugee and Humanitarian Program, with several participants expressing
disappointment that the program would not provide a means of expanding Australia’s resettlement
intake. There were also indications that this decision had fuelled further scepticism about the Pilot,
with some asserting that the program represented an attempt to cut costs, to “privatise” the
humanitarian program or to outsource the Government’s financial responsibilities to the community
sector. Participants declared that they were “shocked”, that the program was a “con” and “seems
absolutely pointless” and that the Government was “abrogating responsibility to refugees it has
pledged to protect”.

The processes for selecting and prioritising individuals for resettlement also came under criticism.
Some raised concerns that the program could be open to abuse while others noted that the people
likely to be prioritised for resettlement would be those with good connections and less complex
needs who may not necessarily be those in greatest need of resettlement – a particularly
significant issue given that people proposed under the Pilot are to be prioritised ahead of Special
Humanitarian Program applicants. A participant from Darwin asserted that this prioritisation “kind of
defeats the purpose of the resettlement program”.

Some expressed fears that that proposing organisations could jeopardise their relationships with
certain communities should the latter’s suggested candidates not be selected by the organisation
for resettlement. A representative from the Burundian community also voiced frustration that the
Pilot did not appear to be available to certain communities due to the fact that their applications
would be more time-consuming to process:

There were some Africans interested but DIBP said: ‘No, we don’t need applications
from African countries. Considering the time we have is very short and it’s a pilot, we
can’t reach those countries. We don’t need applications from those countries.’ So it’s
really disappointing… Whoever thinks they can afford the money, they should process
you wherever you are.

A number of participants raised concerns about the access to settlement support and the capacity
of the community sector to provide sufficient support to ensure successful settlement in the
absence of government funding. Finally, some expressed disappointment that places were limited
to 500, with one noting that numbers should not be capped so long as the proposer could afford
the fees, and that it was only available in New South Wales, Victoria and South Australia.

While feedback on the Community Proposal Pilot was largely negative, there were some
participants who saw positives in the program, namely that it provided opportunity for communities
to play a greater role in resettlement and that it offered an alternative avenue to resettlement for
communities who could afford the visa fees. Indeed, while some participants objected to the
program in principle, the majority of negative feedback focused on the specific model of community
proposal, not the concept of community proposal per se. A representative from the Liberian
community, for example, asserted that the Pilot was “a very good initiative of the Australian
Government but they have raised the bar very, very high”. A service provider in regional New
South Wales similarly noted that communities were “eager to get involved, prepared to make
commitments” but simply did not have the financial capacity to meet the visa fees.

4.5. VISA PROCESSING

Some consultation participants raised concerns about the processing of offshore humanitarian
visas (other than Special Humanitarian Program visas) by overseas posts. Lengthy waiting periods
were reported in several countries, with a number of participants citing instances where refugees
awaiting resettlement had to undergo multiple health checks due to the lengthy delays in visa
processing. It was suggested by some that these delays are due to security checking processes.
As in previous years, concerns were raised about mistakes in the travel and identity documentation supplied to resettled refugees, such as incorrect recording of names and dates of birth, and there were calls for greater flexibility in allowing people to amend these documents upon arrival in Australia. It was also reported that some refugee entrants are reluctant to request corrections to their documents before arrival for fear of jeopardising their chances of resettlement. A story related by a representative from the Congolese community demonstrated that these fears are well-founded. When first issued with an Australian travel document, he noticed that the names of two of his children had been incorrectly recorded and requested that the document be amended. By the time the corrected travel document arrived, one of his sons had turned 18 and could no longer be resettled in Australia along with the rest of his family. Several years later, this son is still living alone in a country of asylum without legal status or work rights and is largely confined to the house due to fear of harassment and arrest.

### 4.6. FAMILY REUNION

The limited access to pathways to family reunion continues to be identified as one of the greatest challenges facing refugee and humanitarian entrants to Australia and came up in almost every consultation across the country. Issues raised echoed those of previous years, with community members and the services supporting them highlighting the profound psychological, economic and social impacts of family separation, the extremely limited family reunion options available, the systemic hurdles of existing family reunion pathways and the limited availability of migration advice to assist refugee and humanitarian entrants navigate visa application processes.

#### 4.6.1. The impact of family separation

The psychological, economic and social impacts of family separation are well documented\(^\text{27}\) and were clearly articulated by refugee community members and services across Australia this year. Overarching these concerns was the sentiment that refugee protection is not fully realised until an individual’s family is safe; that is, refugees whose family members are living in danger do not feel safe in Australia. As one Afghan community member in Sydney articulated: “I have carried many corpses myself for burial. Before I became a corpse myself, I fled Quetta. Now I am deeply concerned about my family back home.” In Melbourne, a stateless community member (from Iraq) pleaded: “My concern is for families who live on the border between countries and have no documents. There is no healthcare, no access to school. I will suffer because my kids will be sick. I want Australia to do something for them because they accepted me. They did so much for me. I will never forget that and I will always appreciate that. But I’m asking for that support to be given to other people as well. I have six children living on the border and they are not safe. If a fox came and attacked them, what they can do?” A community member in Sydney spoke of the inability to make plans and feel settled due to concerns for their family overseas: “I have been here now five years but I’m the same as someone who came here yesterday.”

While concerns were raised about the plight of extended family members, a significant proportion of feedback related to the separation of refugees and asylum seekers in Australia from their immediate family members; of wives from husbands and parents from children. One service provider in Sydney used an example of a mother who had spent more than a year seeking reunification with her three unaccompanied children in Kenya, saying: “There are three children without parents and it takes an incredibly long time. It is unsafe. We are perpetuating unsafe environments.” Another service provider in Wollongong said: “We have a client with a child over there and it has now been three years. The child is totally eligible. Everything went through the process but the child is still there. The mother is going mad here. She is seeing psychiatrists, psychologists. She can’t function any more. It’s appalling.” A Congolese community member in Geelong asked: “We are traumatised because our children are still languishing in refugee camps while we are here. Will the Minister help us?”

---

This year, the mental health and financial implications of families being separated with little hope of timely reunion were spoken about in more desperate terms than in previous years. A consultation participant in Wollongong spoke of increasing cases of mental illness within refugee communities: “People cannot cope with that. Their own children are over there suffering so much and there is no hope.” Service providers and community members across Australia spoke of increasing incidents of self-harm, suicidal ideation and, indeed, suicide among refugees and asylum seekers who are losing hope of being able to reunite or protect their loved ones. Financial hardship linked with family separation was also identified in many consultations. Despite extremely low incomes, some humanitarian entrants were reportedly sending $300 a month from their Centrelink money to support their wives and children living in precarious situations overseas. This has resulted in increased pressure on charitable organisations (particularly those providing material aid), reports of increasing homelessness and poor health.

While immediate family members (wives, children and parents) were most commonly identified as a priority for reunification, particular concerns were raised about the lack of family reunion options for unaccompanied minors. One service provider in Brisbane raised concern about the current legislation that stipulates unaccompanied minors cannot apply to bring family more than five years after arriving in Australia, arguing that some young people who are separated from their families aren’t able to locate them until after they have been in Australia five years and that there needs to be more flexibility with regards to how unaccompanied minors are viewed in terms of family reunion. Another recurring concern was the separation of family members due to complex health issues. One example given was a man who was unable to bring his wife because she was HIV positive and the long-term of health costs associated with this visa application were assessed by the Australian Government as being too high.

4.6.2. Feedback on current pathways to humanitarian family reunion

There are currently three main pathways through which refugee families can seek to reunite, all with significant limitations that were spoken about in consultations:

- applying through the Special Humanitarian Program;
- applying under various visa sub-classes in the Family stream of the general Migration Program; and
- seeking family reunion through irregular pathways.

**Special Humanitarian Program**

With only 503 visas granted under the Special Humanitarian Program (SHP) in 2012-13, this program has provided little hope of a viable pathway for any kind of family reunion in recent years. For refugees granted onshore Protection Visas, recent changes to policy have limited this option even further. For those who arrived by boat prior to 13 August 2012, their split family applications have been put on the bottom of a very large pile and many have taken up the advice to apply through the Family stream of the general Migration Program instead. Those who arrived by boat after 13 August 2012 do not have the option to apply through the SHP at all under changes introduced following a recommendation of the Expert Panel on Asylum Seekers. Community members in consultations across Australia expressed their continued frustration, disappointment and confusion at the ongoing limitations of the SHP in terms of eligibility and size. Many people spoke about the rejection of SHP applications on the grounds of “lack of compelling reasons” where they felt the applicant was, indeed, living in imminent danger. Many asked: “What can we do?”

For family members who do not fit within the restricted definition of “family” used by DIBP in assessing visas applications for the SHP or Family stream of the Migration Program, the prospects of reunion are even more limited. One service provider in regional Victoria spoke about the anguish of families who have been separated from orphaned children who were under their care overseas:

*In terms of offshore processing, we have seen examples where families are looking after orphaned children from the extended family but only nuclear families are getting*
visas. Unaccompanied minors are being left behind and this is impacting on settlement of the family here. … Children are being left on their own because of definitions of family or a perception that there are ‘dodgy’ arrangements. There are examples of fraudulent activity, which has made it harder for people to come as a family with non-biological children but it is a nightmare for those families who have to leave children behind.

This was echoed by a Liberian community member in New South Wales who spoke about the cruelty of parents being unable to reunite with children who are over the age of 18. He said that families are told that one of their children cannot be resettled with them because they are over 18 but that they can be sponsored from Australia later. When the family reaches Australia and tries to sponsor their child, they are told that the child does not meet the criteria: “For heaven’s sake! If the father and mother and other siblings meet the criteria, what is stopping that child from meeting those criteria? They are an adult but are they part of the family? Are they part of the persecution that the family has gone through?”

**Family stream of the Migration Program**

The majority of consultation feedback on family reunion this year concerned the experiences and limitations of refugee and humanitarian entrants seeking family reunion under the Family stream of the general Migration Program. With 4,000 additional places allocated in this program each year for four years from August 2012 for humanitarian entrant proposers, many people (particularly onshore Protection Visa holders) spoke of their experiences in applying for a family stream visa. There were few examples given of successful applications, although RCOA notes that the DIAC annual report for 2012-13 records that 1,066 visas were issued between November 2012 and June 2013.²⁸ Most people spoke of the difficulties with regards to documentation requirements, cost and processing issues.

Among the main concerns raised by community members and services were the prohibitive or inflexible documentation requirements of family stream visas that made it extremely difficult – impossible in many cases – to make a successful application. In Sydney, a service provider spoke about an application sent back because the applicant did not have a surname and the frustration of trying to work within a system which does not recognise cultural differences: “We try to work out some creative way to have that person put something in both boxes, send it back, then it comes back with the next invalidity. That just goes on for a year. That’s administrative but we’ve actually got people on the other end of this.” At a consultation in Melbourne, a group of community members who were granted Protection Visas on the basis of being stateless expressed their frustration at their inability to provide the required documents (passports and police checks) for their immediate family members. As a support worker described:

> My clients have the same issue. They previously applied for the 202 visa (SHP visa) but then they were encouraged by us and by the Department of Immigration to propose on a family visa. All of them have been stateless before: they don’t have documents. They decided to go for that program and all of a sudden they crash into the hurdle that no visa can be issued if you don’t have a passport... These guys are struggling. Some of them have been born in different countries and all their children have been raised without proper documents and now it’s an impossible process.

Many felt there was no alternative but to seek fraudulent documents to meet inflexible Australian immigration requirements. One community member in Melbourne asked: “Are you able to get our message to the Minister for Immigration? Tell him, we are able to get a passport but it will be fraudulent. It will cost us $4,000. If he is accepting that, we are going to do it. Can you ask him?” At the same time, these community members and service providers understood the risk of paying for documents (even where this was the only way to attain them) and felt they were placed in an impossible situation. A recommendation was made that the Australian Government accept travel

---

documents in place of passports for proposers who were granted protection because they were stateless.

The significant costs associated with Family stream visas were discussed at length in consultations, with many people saying they were unaffordable for newly arrived refugee and humanitarian entrants and that this was either prolonging separation or causing significant financial stress. It was noted that the costs of these visas have recently increased significantly – with overall application fee increases and each dependent now incurring an application fee in addition to the primary applicant and no concessions given to humanitarian entrant proposers – and that this is adding to the stress of families seeking reunification. As one service provider in Melbourne said:

*I have these clients who come in every day... and the price is changing every day.... They're lodging different [family reunion] applications... How can they afford the $3,000 to $4,000 just for application fees? They are dealing with all these issues. It's just hard... I've called six or seven places just to find if there is anyone who can give small loans. I couldn't find anything... My clients are dealing with so many things, with depression. I don't know any way I can help.*

Some of the consequences of the increased expense of family reunion have been reports of people engaging in risky borrowing, exploitative employment and choosing to forgo their own basic needs (food, housing and clothing) in order to save money. One service provider in Melbourne reported, for example, families selling their own goods, borrowing from other family and community members or taking out multiple small loans from different money-lenders: “They can’t get loans through banks. It’s just not possible. We are getting people coming in and asking for no-interest loans to pay back the people they originally borrowed money from.”

The enormous difference in cost and support between reuniting under the SHP and under the Family stream, despite people being in exactly the same situation, was noted. As one Iraqi community member in Melbourne said: “They took all the services from us, like HSS. Then we have to pay for this visa over $3,000. Then we have to pay the airfares, all the medical tests and, once they arrive at the airport, nobody can help us there. We are alone. So the difference between the 100 and 202 visas is big. You can’t believe the difference between these two visas but we’re still applying.”

Several recommendations were put forward to allow greater access to Family stream visas for refugee and humanitarian entrants. Many consultation participants recommended that refugee and humanitarian entrants should be eligible for a visa application concession. As one service provider in Shepparton proposed: “For a large family it’s over $20,000. On a Centrelink allowance, how will you raise the money? There should be a test for application fees. If you are a skilled migrant, the fees are fine but, for someone unemployed who doesn’t speak English and doesn’t have any means of accessing finance, it is impossible.” Others felt that dependents should be included under the one application fee for humanitarian entrant applicants as has been the policy until recently, and that more no interest loans schemes needed to be established to assist refugee communities with meeting the costs of family reunion.

An emerging concern this year that was raised in a number of consultations was in regards to difficulties liaising with overseas processing offices in relation to Family stream visa applications. This included:

- inconsistencies across posts – “The time for processing, the requirements for documentation and their directions are absolutely inconsistent.”
- poor experiences with locally engaged staff – “The communication is very disrespectful. Sometimes they threaten us, saying: ‘I’m going to cancel your application; I’m going to cancel your visa’. They use threatening language.”
- lengthy and unnecessary delays – “We are lodging an application and then they are asking for more documentation. We give them those documents and then they come back after 3½ months and say that those documents are not clear, send it again. It’s taking a long time.”
- and processes that were incompatible with the circumstances of displaced people.
In terms of dealings with locally engaged staff, a number of community members said they had experienced threatening, disrespectful or unprofessional interactions with staff in overseas posts, attributing this to reasons including lack of training and skill, discrimination towards particular groups (based on religion, ethnicity or nationality), carelessness and workload. One worker who provides migration advice gave the following example:

Clients are having trouble dealing with some staff in overseas posts when applying to bring family... Processing officers there are asking for documents that are not necessary. They are insisting and threatening clients that, if you don’t provide that document, it’s going to take a long time. For example, one of my clients has lodged his application. To make some enquiries I had to send a form 956 (authorisation form). They said I needed to get both the applicant and the sponsor to sign the form. But this is not what the form asks for. It is either the applicant or the sponsor. …I had an email exchange with the processing officer in Tehran. She kept on coming back and saying I needed both signatures. But there is only one box for one signature and you have to tick the box that says which signature you have – either sponsor or applicant. I heard again from her last week saying she is still waiting for this authorisation form to be able to finalise the application. This has been going for months and, all the while, my client is waiting to see his family.

This kind of feedback was given for a number of overseas posts but most commonly mentioned were the posts in Tehran, Amman, Islamabad and Dubai. For example, one community member from Iraq said: “It is like we are the enemy for them. If an Iranian sends an email to the Australian embassy in Iran, they will get a response in one day. If it’s me, I will get a response after three months.” One recommendation put forward by consultation participants was for more Australian staff to be employed in overseas processing offices: “We are happy to talk to an Australian person through an interpreter. An Australian will take responsibility for the situation... Four years my children did not go to school. When I go to the Iranian officer, she doesn’t believe me [about her country] but an Australian officer will believe me.”

Finally, a number of consultation participants spoke about the danger and unacceptable risks that people in refugee-like situations were being forced to take in order to apply for Family stream visas. In Sydney, a service provider spoke adamantly, saying: “In terms of international law, reasonability, legality and morality, you can’t ask a client to travel to Afghanistan, especially women and children, to go through Taliban areas to attest a document. You basically endanger a person’s life.” In addition, the lengthy processing times and lack of communication between applicants, overseas posts and DIBP offices in Australia caused people to remain in risky situations. As one man described:

I filled in and lodged form 80 in Jordan three years ago, and still waiting. No refusal, no acceptance. We called yesterday to Jordan and they said, ‘You don’t have any problem, you’re just waiting’. I called the Immigration Department and they said, ‘There’s no problem from our end, it is with Jordan’. My family are in Syria and it’s very dangerous. My children have not had any school for four years. What can I do? We have been waiting for three years. Australian immigration referred me to Jordan and Jordan referred me to Australian immigration.

Others reported having to submit original documents for processing and family members living without any identity documents in countries of asylum for prolonged periods, and the risk that this put their family members in. If they requested documents to be returned they were informed that the visa application would be cancelled.

Irregular pathways

Despite all of the deterrent policies introduced in the past two years to stop people coming by boats, community members in consultations this year still spoke about families seeking to reunite by coming to Australia by boat. Some participants recognised the danger and risks involved but felt
this was the only way they would be able to see their family members. One person, for example, said he had paid for his brother and the brother’s family to come because there was no Family stream visa they could apply for and they had submitted multiple SHP applications that had been rejected. Anecdotal reports of families sending members by boat, or family units choosing to make dangerous journeys together, is also evident in the increase in women and children arriving by boat. A major concern is that people who arrive by boat post-July 2013 who are sent to PNG as part of the regional resettlement arrangement now face indefinite separation from family members in Australia.

4.6.3. Migration advice

As in previous years, the lack of affordable and appropriate migration advice and assistance was mentioned at a number of consultations, the results of this being people filling in their own application forms and delaying or risking rejection because of the poor quality of applications.

4.7. RECOMMENDATIONS

Recommendation 6
RCOA recommends that the Australian Government return the Refugee and Humanitarian Program to its 2012-13 level of 20,000 places annually, but delinked from onshore Protection Visa grants, as an appropriate contribution to increasing numbers of refugees worldwide and identified priority resettlement needs.

Recommendation 7
In view of the pressing need for resettlement from Africa, RCOA recommends that the Australian Government ensure that the 2014-15 regional target for resettlement from Africa be set at no lower than 25% of the offshore program.

Recommendation 8
RCOA recommends that the Australian Government conduct a review Australia’s migration program to identify opportunities for enabling refugees to enter Australia through the skilled migration and family migration programs.

Recommendation 9
RCOA recommends that the Australian Government conduct a review of processes for collecting, recording and amending personal information on travel and identity documentation granted to humanitarian entrants prior to their resettlement in Australia, with a view to identifying strategies to enhance accuracy and simplify processes for requesting corrections.

Recommendation 10
RCOA recommends that the Australian Government revise the Community Proposal Pilot and any ongoing program which follows it through:

a) reducing the proposed visa application charge to a level more affordable for community organisations and exploring ways of providing incentives for sponsors who work together to assist newly arrived refugees towards financial self-sufficiency;

b) providing access to a no-interest loans scheme for community organisations seeking to sponsor people for resettlement under the Pilot;

c) delinking the Pilot and any future program from the existing Refugee and Humanitarian Program; and

d) developing clear criteria and guidelines to govern the selection and prioritisation of cases and standards of settlement support for those resettled under the Pilot.

Recommendation 11
RCOA recommends that the Australian Government overhaul the family reunion options for refugee and humanitarian entrants to Australia by developing a “Humanitarian Family Reunion Program” that is separate from the Refugee and Humanitarian Program and the General Migration Program. RCOA recommends that this Humanitarian Family Reunion Program be developed in
consultation with former refugee community members and organisations, peak bodies and relevant service providers.

**Recommendation 12**
In the absence of a separate Humanitarian Family Reunion Program, RCOA recommends that the Australian Government enhance humanitarian entrants’ access to family reunion through the Migration Program by:

a) waiving application fees or at least introducing application fee concessions for humanitarian entrant proposers;
b) providing access to free or low-cost migration advice;
c) introducing flexibility in documentation requirements for people from refugee backgrounds;
d) reviewing eligibility requirements that effectively exclude applicants from refugee backgrounds; and
e) resourcing DIBP’s offshore and Australian processing offices to identify and consider applications from humanitarian entrant proposers separately from applications from non-humanitarian proposers.

**Recommendation 13**
RCOA recommends that the Australian Government review its definition of “family” to bring it into line with the UNHCR Resettlement Handbook’s definition (which includes a broader understanding of dependency, including unmarried adult children facing persecution).

**Recommendation 14**
RCOA recommends that the Australian Government increase staffing levels, training and other resources in critical overseas posts in order to support both SHP and General Migration Program applications.

**Recommendation 15**
RCOA recommends that the Australian Government review how family reunion options are communicated to refugees before they arrive in Australia, examining what information could be provided in first language at the time of application and how this information is reinforced through the Australian Cultural Orientation (AUSCO) program.

**Recommendation 16**
RCOA recommends that, as a matter of urgency, the Australian Government give all Protection Visa holders access to all family reunion options to enable families separated by persecution and conflict to be reunited, with priority given to family reunion for young people who arrived as unaccompanied minors.

**Recommendation 17**
RCOA recommends that the Australian Government enter into dialogue with UNHCR about establishing a process for identifying refugee families that are seeking reunification, facilitating assessment and registration in countries of asylum (particularly Pakistan and Thailand) and prioritising them for referral for resettlement under Australia’s offshore program.

**Recommendation 18**
RCOA recommends that the Australian Government increase short-term funding to registered Migration Agents funded through the SGP to support the reassessment of SHP split family applications in the most efficient, fair and timely fashion. RCOA also recommends that consideration be given to increasing the overall amount of funding allocated for migration advice within the SGP in the upcoming funding round.
5. ASYLUM POLICY

“We came to Australia to look for safety and mercy. We found only safety. We did not find any mercy.”

– Iraqi asylum seeker

Australia’s new Coalition Government was elected on a platform which included significant changes to Australian asylum policy, such as the expansion of offshore processing, the reintroduction of Temporary Protection Visas, a range of changes to Australia’s refugee status determination process and the establishment of a military-style response to the movement of asylum seekers by boat. These changes built on policies introduced by the previous Labor Government, including the reintroduction of offshore processing in Nauru and PNG’s Manus Island, the application of the so-called “no advantage” test to asylum seekers who had arrived by boat (including the withdrawal of work rights for asylum seekers living in community on Bridging Visas) and the signing of a Regional Resettlement Arrangement with PNG whereby asylum seekers sent offshore for processing would be resettled in PNG on a permanent basis. Responses to these and other aspects of Australia’s asylum policies comprised the bulk of the feedback gathered through RCOA’s community consultations in 2013.

5.1. GENERAL FEEDBACK ON AUSTRALIA’S CURRENT ASYLUM POLICIES

In recent years, participants in RCOA’s annual consultations have consistently raised concerns about the general direction of Australia’s asylum policies. This year’s consultations were no different, except that the level of concern seemed considerably higher than in previous years. These concerns primarily related to the sidelining of protection in the bid to implement punitive, deterrence-based policies and the failure to consider the broader factors influencing the movement of asylum seekers towards Australia.

5.1.1. Protection sidelined

Many participants expressed shame, disappointment, frustration and anger about the violation of human rights and the lack of humanity typifying many of Australia’s current policies towards asylum seekers. One service provider in regional Victoria observed: “It further punishes people who have already been victims. They’ve been victims in their own country, victims of people smugglers, and then we punish them again here. I don’t know how they would ever recover… They are traumatised over and over again.”

Participants lamented the overwhelming focus of Australia’s policies on border security, deterrence and punitive measures at the expense of protection, with some questioning whether Australia still had a genuine commitment to the protection of refugees. A service provider in Adelaide asserted: “We are just asking for decency and opportunity. The shift in focus is totally on border protection, which is a security issue. It’s got nothing to do with settlement. We are talking about human beings.” Another service provider in Brisbane commented: “The entire concept of protection is just gone. It has been going down for 10 years but it is not even in the conversation any more, that we are meant to be offering protection for people who need it.” A Tamil community representative stated: “When you see the Australian trend nowadays, it’s no work rights, not allowing them to come into the country. I don’t know why it’s like that… I don’t know why they are still signing the UN [Refugee] Convention.”

A number of other participants also cited Australia’s obligations under the Refugee Convention and other international human rights conventions, with several expressing the view that Australia’s asylum policies were inconsistent with these obligations. Such concerns were most often raised in relation to policies which deflected of Australia’s responsibilities to other countries (such as offshore processing) or which instituted differential treatment of asylum seekers based on their mode of arrival in Australia (such as Temporary Protection Visas). A community representative from Burma asked: “As Australia has been a signatory country of the UN Refugee Convention, how could it be allowed not to process the asylum seekers? I think under the UN Convention, if the
person is being persecuted they have the right to seek asylum to any country.” A service provider in Sydney asserted: “The Refugee Convention indicates that if you’re assessed as a refugee, it shouldn’t be in any way affected by how you seek refuge. That’s a really fundamental principle. Having a visa [Temporary Protection Visa] that has been designed because you’ve come to Australia in a certain way is really contrary to that.”

Consultation participants who had recently sought or were currently seeking asylum expressed a great deal of distress, frustration and despondency about their current situation, with several imploring the Australian Government to adopt a more humane approach. In the words of an asylum seeker living in Melbourne: “I just want to say: be humane. The only reason we’re coming to Australia is to live in peace…We want to be treated with the same human rights.” A Tamil asylum seeker who had been detained at Curtin Immigration Detention Centre recalled learning about “Australian rules” and being warned that there was a fine for killing snakes in the desert: “Why does Australia obey the rights of animals but not the rights of humans? Why not take care of humans? We feel like animals, so why not treat us as well as animals?”

Some asylum seekers evidently found it difficult to comprehend why Australia would impose such punitive measures on people who had experienced persecution. Commenting on the reintroduction of Temporary Protection Visas, a Pakistani asylum seeker living in regional New South Wales asserted: “I was facing danger and fear. After being granted protection, why am I still having these sanctions against me?” An Afghan asylum seeker living in regional Victoria commented: “We have really been suffering a lot back in our home countries, so we really don’t want people to come here and suffer again… We are just suffering and it is not going to end.” Another Afghan asylum seeker living in Brisbane had this to say:

> I was living in a dangerous situation. When I used to go out of my home, I didn’t know if I would have a chance to come back or if I would be dead on my way. Since we have experienced such a situation, maybe the Department of Immigration could make the way easier because we have to try this way to save our lives.

Some consultation participants expressed concerns that these punitive measures appeared to be aimed at increasing the pressure on asylum seekers to the point where even people who did have a well-founded fear of persecution would contemplate returning to their countries of origin, potentially placing themselves at serious risk. In the words of a service provider in regional Victoria, “we are increasing suffering until they can’t hack it anymore, so they have to return”. A service provider in Brisbane reported: “A friend of one of our clients voluntarily returned to Iran yesterday. He is waiting to hear from him to hear what he can expect when he returns. He said he would prefer to return to Iran and commit suicide with his girlfriend than just die a slow death here.” An Iranian asylum seeker living in Melbourne said: “They just want to torture us and force us to go home. Just drop me in the ocean.”

5.1.2. The ‘big picture’

Much of the general feedback on Australia’s current approach to asylum policy focused to the idea of the “big picture”, that is, the current state of the global protection environment and the broader factors influencing the movement of asylum seekers towards Australia. Some called for a greater sense of perspective in the asylum policy debate, noting that the numbers of people arriving in Australia were small in global terms. In the words of an Iranian community representative: “If you compare these people with the population of Australia, it’s nothing. It is a big question for me why the Australian Government can’t make a good decision for this small group.” Others called on the Australian Government to take a more holistic view of forced displacement rather than focusing on the issue only as it affects Australia. As noted by a service provider in Adelaide:

> I’d like to suggest to the Government that they look on the refugee problem not as Australian or regional. We are part of a huge global set of displacement and we can probably take a lot of suggestions from Jordanians who have taken people into their own homes. I do think we’ve got to acknowledge that it’s not just our problem.
Others drew attention to the difficult and dangerous circumstances face by people seeking protection overseas and the lack of viable alternative pathways to protection. In a written submission, one service provider noted that “the ‘push’ factors (that is, the issues that are current in the countries of origin) do not seem to be considered, acknowledged or addressed within the current Immigration and Border Protection policy”.

Many participants highlighted the significance of these “push factors” in driving asylum seeker arrivals to Australia. A community leader in Adelaide noted that the lack of access to resettlement opportunities for Afghan refugees in Quetta left them with few options to find safety: “The services of IOM (International Organization for Migration) and UNHCR are not accessible. They hide themselves within a compound. A refugee or asylum seeker who is in danger cannot access them and that’s why they risk their life coming by boat.” A service provider in Melbourne noted that many asylum seekers, particularly those fleeing directly from their country of origin (such as Iranians and Sri Lankans), typically did not have access to resettlement opportunities and “are coming by boat because there are no other processes”. A Somali community representative noted that the recent increase in the number of Somali asylum seekers arriving in Australia by boat was due to “lack of processing of visas offshore”.

The influence of these “push factors” was perhaps most eloquently explained by two members of the Hazara community living in Brisbane. A Pakistani asylum seeker living in the community on a Bridging Visa explained his own motivations for travelling to Australia by boat:

They say boat people are illegal. But what made us take such a dangerous journey – that must be considered. People have taken a risky step and some have drowned and lost their lives. It is important that government be prepared to consider what is motivating people to take such a risk. We were targeted because of being Shia and because of our ethnicity. We faced the same problem in Afghanistan and in Pakistan. When we were in Indonesia, Hazaras from Pakistan were not given right to be a refugee. We were not recognised. The only option we had was to come to Australia to seek refugee status. Ask a normal person who is living a happy life if he would risk his life to come to Australia, he would not consider it. But when you are living in such difficulty, uncertainty and fear, you are prepared to consider taking the risk.

An Afghan community representative who was detained for three years in Nauru under the Pacific Solution told a similar story:

Australia has a strong police force and fire authorities and yet in 2009 when there were bushfires in Victoria people fled their homes. If they waited for the authorities to act and to rescue them, they would have died. It is similar with people who risk their lives to come to Australia and other countries. They do not have any chance to survive if they rely on others to protect them. Nobody wants to leave their homeland. They think that if they stay in their country there is a 100% chance that they will die. They are taking the risk of a boat journey because there is a chance they will survive. It does not help that the Immigration Minister says that they are illegal. They don’t have anywhere to get a passport or a visa. If they had an alternative to taking a risky journey, they would take that alternative.

This call for viable alternative pathways was reiterated by a number of other participants. An Iranian community representative asserted that “if you are not happy [about boat arrivals], make a good way to come Australia that doesn’t need a lot of money, that doesn’t need a lot of time”. A service provider in regional Victoria noted: “If they had more opportunities for people to apply to come from offshore, they wouldn’t be at risk from people smugglers, then they could come here safely. That would stop the people smugglers; then they wouldn’t have a job!”

Some also raised concerns that Australia’s policies on humanitarian family reunion were further restricting the already limited pathways to protection available many refugees and asylum seekers. One community representative related the story of a friend who had tried to sponsor his family members for resettlement through “official channels”: “I have a friend, an Australian citizen, who
went to one lawyer who told him that he didn’t have a chance. So he decided to bring the family to Australia by boat... They went through the official channel and were told they didn’t have a chance.” A representative from the Liberian community expressed fears that the lack of family reunion opportunities would lead to increased numbers of African refugees arriving in Australia by boat:

This is the danger when desperate parents are looking for desperate solutions. If this government or the people making the policy don’t think of this, there will be an influx because people will start supporting their families from parts of Africa to come to Indonesia to be taking those treacherous journeys.

In light of the compelling “push factors” and limited viable alternatives, several consultation participants expressed scepticism that Australia’s deterrence-based policies would have the desired impact. As one Iranian community representative noted, “the risks of a dangerous boat journey for them is infinitely better than the constant pressures and cruelty they experience in Iran”. Another community representative similarly argued that “when a refugee is living in freezing winter on the Jordanian border without proper shelter or basic supports, it’s better for him to go to PNG”. A service provider in Western Australia, when speaking about conditions in offshore processing centres, stated that “as far as they’re concerned and their families are concerned, this is not going to be any worse than they’ve escaped from”. Another service provider in Adelaide said: “There won’t be real deterrence until you start behaving like the Taliban, and I don’t think the Australian people will countenance that for very long... Stop pretending that this is going to be a real deterrent to people who are genuinely in fear for their lives and those of their families.”

One service provider in Brisbane questioned whether the Government’s messages of deterrence would in fact reach their target audience: “I ask the men what they tell their family about what is happening in Australia. They say that, because their wives and children are crying and upset about their situation, the men tell their families that everything is fine, everything is good in Australia. That messages (that asylum seekers should not come by boat to Australia) is not getting across to families.” Another service provider in regional New South Wales was of the view that, even if these messages did reach their desired audience, they would not necessarily have the desired impact because “people get fed what they get fed on the ground and out of desperation they end up believing what they want to believe”. An Iraqi asylum seeker similarly asserted: “Even if we say we are not having a good time in Australia, [the people back home] won’t believe it, they will still come. They will think that we just don’t want them to come.”

5.1.3. Communication and transparency

A number of service providers expressed frustration at the lack of information provided by the Government about its recent and proposed policy changes. Many expressed frustration at being unable to plan and deliver quality services or provide information to anxious clients due to policy uncertainty. As noted by a service provider in Tasmania: “We can’t deliver services if we don’t know what’s happening. It is very difficult to maintain staff and services because of all of the confusion.” A service provider in Sydney similarly reported: “We’re all operating in a vacuum. No one knows exactly what’s happening. We’re still working with people but we don’t know what future holds.” Another service provider in Melbourne stated: “The biggest issue is the lack of information. Service providers aren’t sure, let alone clients. Clients are relying on service providers for information and support and there is a complete dearth of information.” A service provider in regional Western Australia questioned: “How do we provide advice to people on TPVs when we haven’t got it ourselves?”

Concerns were also raised about the impacts of this uncertainty on refugees and asylum seekers. A service provider in Adelaide said: “It’s important to explain the policy at a community level because it’s creating a lot of confusion and a lot of dismay and unrest.” An Iraqi asylum seeker living in regional Victoria reported: “We’re mostly confused. Most people have got Bridging Visas, some of them are getting payment, some of them their payment has been stopped, some of them are eligible to work, some of them can’t work on this visa. We are just confused. We don’t know our situation.”
Some participants provided more specific examples of poor communication between DIBP, service providers and clients, such as cases where clients had been told misleading information by departmental case managers or where asylum seekers had been informed of the outcome of their visa application but their legal representatives had not. A service provider in Sydney noted that these avoidable incidents could have a significant impact on the well-being of clients:

We can all accept that a lot of the policy work needs to be done and there are a lot of people in the Department at very senior levels that just don’t know how [policies] are going to work. But those kinds of examples of clients being informed and lawyers not being informed or caseworkers on the ground not knowing about people being moved from different services, there’s just no excuse for that. Considering the current context and how upset everybody is and how on edge they are, it can really just tip people over the edge and create a major incident.

Participants also expressed concern about the general decline in transparency regarding government policies, particularly policies relating to boat arrivals. It was evident that several consultation participants felt that the Government was not justified in withholding information to such a degree. One consultation participant described the Government’s current approach as “secretive”, while another asserted that “stop the boats means stop telling people what’s happening with the boats”. Some expressed concerns that democratic processes were being undermined, with a service provider in Melbourne describing the Government’s refusal to provide information on boat arrivals as “new low in a democratic country”.

5.1.4. Public and political debate

As in previous years, consultation participants raised a range of concerns relating to the public and political debate on refugee and asylum seeker issues in Australia. A number highlighted a general lack of understanding among Australians about the global refugee situation and the reasons why people seek asylum in Australia. Many lamented the dearth of positive political leadership not only in failing to address this lack of understanding but also in actively perpetuating myths, misinformation and negative messages about refugees and asylum seekers.

Perhaps the most significant issue of concern was the Government’s use of the term "illegal" to describe asylum seekers arriving by boat and its directive to government staff and contractors to do likewise. There was general consensus among consultation participants that the use of this term was misleading, unfairly demonised asylum seekers and represented an attempt to reinforce negative attitudes. In the words of one consultation participant, “asylum seeking is not against the law and the use of the term illegal unfairly vilifies innocent people and deflects public attention from the important humanitarian issues at stake”. A Rwandan community representative asserted that the use of the term “illegal” “is the worse type of persecution because it is by the Government of Australia. It is insulting and adds to the persecution already suffered by them. The directive is inhuman. Another participant argued that:

The fact that this is simply incorrect is beyond dispute. ‘Illegal’ means that they have broken a law and there is simply no law that asylum seekers break by leaving the country that is torturing them, killing their families, and forcing them out, and coming elsewhere for another chance at life. Any such law would, in any case, be totally contrary to Australia’s international legal and human rights obligations, and grossly immoral. It is not illegal to ask for help, particularly when your life is at stake.

A number of participants also expressed concern and frustration at the politicisation of refugee and asylum seeker policy, with the current political debate variously described as “toxic”, as a “bidding war” between political parties and as a “race to the bottom”. Several declared that the focus of the asylum policy debate was driven primarily by political imperatives rather than focusing on the development of constructive, evidence-based policies. An Ethiopian community representative asserted that “any good government policy is drawn from community consultation. But what we are seeing now, especially with immigration policy, is that it is just a party policy. It would be better if
they come to consult with the communities and the general population.” A Tamil community representative similarly noted that:

*All these policies are based on the parties’ interests, not the people’s interests…When you see Australian history from the Second World War when Australia started receiving refugees, have you ever had any trouble because of refugees? They got more benefits from the refugees and migrants. Why do they suddenly take these harsh policies against migrants? It is totally based on the political parties’ interests. They want to win the election. Have any big problems been because of migrants? There is no good reason for these policies.*

Participants put forward a number of suggestions for addressing the negativity and politicisation of the public and political debate. Public education and awareness-raising initiatives were seen as crucial to addressing the lack of understanding about refugee issues and breaking down myths and misinformation. Promoting success stories and highlighting the positive contributions made by people from refugee backgrounds was seen by some as a particularly important strategy in this regard. As noted by a service provider in regional New South Wales, “I’d like more media releases across the country about how much refugees have brought to Australia and their successes and good outcomes that they have, to counter the negative press that they generally get.” Others pointed to the importance of reframing political messages to foster a more constructive national debate. In the words of a service provider in Adelaide:

*If they had appealed to the decency of Australians, rather than the fear of Australians, I suspect there’s enough innate decency there that it’s politically possible to harness it. I’m in my fifties and I grew up with a distinct sense that Australians are a decent people and I liked that idea of that. When you moved around the world, I was used to the idea that everyone smiled when you said you were Australian…but we’re really losing that capital. For any politician who wants a new way, I’ve heard no appeal to the decency of Australians…If you went out on to the street and surveyed people, most of them would say ‘I’d like to think Australians are a decent people’ or ‘I’m a decent person’. I think that’s not being tapped.*

### 5.1.5. Broader ramifications

Many consultation participants expressed concerns about the long-term impacts of Australia’s current asylum policies both on asylum seekers and refugees themselves and on the Australian community more broadly. Some highlighted the impact of prolonged detention and uncertainty on mental health, noting that this could hinder successful settlement and engender a need for more intensive settlement support. In the words of a service provider in Darwin:

*Having worked with BVE (Bridging Visa E) clients who have been long-term detained and going through the experience at the beginning of 2012 of helping those guys to integrate and to settle, which I can imagine would be quite similar whether they are in offshore detention or onshore detention for long periods of time, the experience that we had was that people who had been detained for a long time were very, very institutionalised. It was difficult for them to initiate any sort of independence from the program. I would imagine that the experience might be the same for people coming from offshore centres to try and settle in the Australian community. If you add the fact that we don’t know what kind of support will be available to people on TPVs, I think it might be quite disastrous.*

Others drew attention to the long-term consequences of policies which place asylum seekers and refugees in situations of enforced dependence or which hamper engagement with and participation in the community, such as the denial of work rights and restrictions on access to educational opportunities (including English language tuition). There was concern that such policies could lead to serious marginalisation and social exclusion over the long term or create intergenerational disadvantage. As noted by a service provider in Melbourne:
Young people in CD (community detention) participate in schooling but are not eligible to receive a VCE (Victorian Certificate of Education) if they are over 18. Lay over that the lack of work rights and lack of income if you are on a Centrelink payment and the long-term ramifications of this in terms of entrenched poverty. What is the cost of this in the long term?

A service provider in Perth commented that lack of opportunities for meaningful social engagement could lead to increased crime: “Ultimately, if people aren’t working, can’t learn English, can’t be educated, they have to do something with their time. What does the Government think will happen?” Participants in two separate consultations referred to the current policy situation as a “ticking bomb”, while a service provider in regional New South Wales described Australia’s asylum policies as “a recipe for disaster”. A service provider in Sydney said of Temporary Protection Visas: “It’s a short-term cut that will lead to a long-term problem.”

Several participants made specific reference to the impacts of the negative public and political debate on settlement outcomes and social cohesion. As noted by a service provider in regional Western Australia,

It’s going to be harder for them with all these new thought patterns that are going on out there. People are going to become more wary and more fearful of these newer people who are arriving. The ones that are in and the ones that are coming might find it difficult because of the perceptions that are out there which are fuelled by media and political views.

A service provider in regional New South Wales highlighted impact of negative public attitudes on recovery from trauma:

A lot of the trauma literature talks about the role of acknowledgement of people’s experiences and how likely they are to recover if people not just in their immediate environment but in the wider environment, acknowledge what they’ve been through. If that’s not occurring, especially with that dialogue that’s going on about ‘unwelcome’ asylum seekers and refugees, it limits people’s capacity to actually heal and contribute.

Concerns were also raised that the negative public and political debate was fuelling tensions between different refugee background communities, including long-standing concerns that people who arrive as asylum seekers are viewed by some as having “taken” places from the resettlement program that could have been granted to people from their community or to family members of refugees in Australia.

Some participants reported seeing a rise in incidences of discrimination, racism and, alarmingly, violence against refugees and asylum seekers and attributed this to the negative political debate, in particular the use of the term ‘illegal’. A service provider in Perth, for example, stated that their organisation was “noticing an increase in serious assaults on people in the community based on racial issues, especially since all of this ‘illegal’ political rhetoric has come up”. A service provider in regional Victoria commented: “We know there is a direct link between use of the term ‘illegals’ and increased racism and negativity in the broader community and anger towards asylum seekers (boat arrivals)... The government is not making the link between asylum seeker policy, discourse and general community cohesion.” Another participant in the same consultation expressed frustration at the lack of accountability for the impacts of negative rhetoric:

We reported this [incidents of racism] at a community network meeting and someone from DIAC was there. They asked: ‘Why is this a problem in [city]?’ which made me so angry. Like the fact that there were issues in the community between asylum seekers and others was a local services problem but we know misinformation is coming directly from the government and politicians.

Additionally, a number of service participants highlighted the impacts of constant and often dramatic policy changes on their capacity to maintain quality service delivery and manage their organisations effectively, with one service provider describing current policy environment as a
“constant battlefield”. Several expressed specific concern about the loss of capacity and expertise resulting from inconsistency in policy. In the words of a service provider in Adelaide:

_It takes years to build up this expertise, knowledge and skills. The change in policy is rather abrupt and that will really mean a drastic stop to some of these programs. It’s a real concern to the communities. We are advocating for services to continue because once they stop, it takes a long time to build up the expertise. It is a big concern for some of the new and emerging communities where they do need a little bit more help to integrate into the Australian community._

A service provider in New South Wales similarly lamented the wastage of resources resulting from investment in additional infrastructure which is now no longer needed due to policy changes.

Some participants also expressed concerns about the high financial cost of Australia’s current asylum policies, particularly offshore processing – “economic madness” in the words of one consultation participant. Several argued that a more humane policy approach would also be more cost-effective, highlighting the significant savings to be gained through community-based alternatives to detention and the high cost of offshore processing compared to onshore processing.

Finally, a small number of participants raised concerns about the impact of Australia’s asylum policies on its international reputation. One consultation participant asserted that “Australia is now known as a wealthy country turning its back on refugees and asylum seekers”. Another highlighted Australia’s “commendable history in meeting its international humanitarian obligations” and expressed fears that “there is the potential for the new Federal Government to seriously damage Australia’s hard-won splendid reputation for refugee resettlement through a number of recently announced policy initiatives”.

### 5.2. ASYLUM SEEKERS IN THE COMMUNITY

Much of the feedback from RCOA’s consultations focused on the experiences of asylum seekers in the community and the impacts of Australia’s policies on them. RCOA heard from organisations providing support (both funded and not funded through Federal Government programs), settlement and mainstream charitable agencies, community groups offering assistance and asylum seekers themselves. Participants raised a multitude of issues affecting asylum seekers in the community, including: the right to work; income payments; housing; education and English language training; meaningful activities and engagement; access to services; family separation; and the impact of Government policies and practices. Most of the concerns raised related to the situation of asylum seekers on Bridging Visas. However, some concerns, including access to education options and meaningful activities, applied also to people in community detention.

#### 5.2.1. Right to work

The application of the “no advantage” principle for asylum seekers arriving after 13 August 2012 has meant that a majority of asylum seekers residing in the community on Bridging Visas do not have the right to work. While the Coalition Government does not distinguish arrival dates other than those people who arrive after 19 July 2013, no additional work rights have been granted.

Consultation participants questioned the deterrence value of the lack of work rights, with one Sydney participant noting that the ban on the right to work is “no longer necessary. It was designed to be a deterrent, but, with the new Government and new policy of all boats being intercepted to be taken offshore, it is just not necessary to prevent people from working. All of those ‘no advantage’ principles should just be removed for that existing cohort.” Another service provider was dumbfounded by the thinking behind the ban on work rights, saying: “I don’t understand how being able to work could be an advantage. It’s a basic right to be able to provide for your family and to have a roof over head. [The policy] is quite appalling.”

Several service providers shared their observations of the negative impacts on the health, safety and well-being (both physical and emotional) of asylum seekers who do not have the right to work.
Many shared their collective concern that, without the ability to earn a living, people would left vulnerable to exploitation, corruption and criminal activities. Support staff were worried that without the right to work and support themselves, people had become increasingly dependent on charities, a practice that is not sustainable for the clients or the agencies. One Melbourne participant recommended: “Work rights should be reinstated. Asylum seekers should not be denied the dignity that work brings. They should not be forced to beg for charity.”

A Sydney service provider observed the pressure that was on asylum seekers in the community without work rights: “Once they secured their accommodation, they do not have enough money to get it furnished, get a bed, get basic whitegoods.” Mainstream charities advised that they have seen an increase in clients from an asylum seeker background after the implementation of the “no advantage” test because the clients were not able to work and save money for their general needs.

The people seeking protection that RCOA consulted reiterated this point many times. As one Iranian man observed: “If you do not give us work rights to take care of ourselves, then the whole country becomes a detention centre.” A consultation participant from Darwin agreed that the ban on work “condemns asylum seekers in the community to poverty... It is a punitive measure... It’s degrading and humiliating.” A Hazara man shared that while on a Bridging Visa, it is hard to keep busy. He advised that he started a voluntary job at [a local settlement service] in order to keep himself busy. He said: “I want to work and pay tax. The only request we have is that we should be permitted to work. We want to lead a normal respectable life.”

People on Bridging Visas want to work to earn money to take care of themselves and their families and also contribute to Australia. An Iranian man on a Bridging Visa without work rights was confused as to why the government would not allow him to work and give back. He asked, “Why doesn’t the government let us earn money so that they can get their money back? ...Now, the government pays, and we have nothing to do.” Many other asylum seekers echoed this point, asking why the Government did not permit them to work, which would allow them to support themselves and their families while also collecting tax revenue. As one man from Iran advocated: “I am not happy taking money for doing nothing. I would prefer to get this money for doing some work... It doesn’t give me a nice feeling, to get money for nothing. This way, I am a useless person and I have a bad effect on this country financially.”

5.2.2. Income payments

As a majority of asylum seekers living in the community do not have work rights, the income support available through the Government’s Asylum Seeker Assistance Scheme (ASAS) and the Community Assistance and Support (CAS) Program constitutes the only income available to people living in the community while they await the resolution of their protection claims. The payments are capped at 89% of Special Benefit Rate (approximately $440 per fortnight, or $220 per week) for people in the community on Bridging Visas. RCOA heard repeatedly that these income payments were insufficient for people to live in the Australian community, as the costs associated with leasing a property in the private market, paying for utilities, transport, food, medication, clothing and household goods were significantly higher than the modest payments. Even with budgeting training, most people were struggling to live. Both service providers and asylum seekers shared concerns that people would be forced to work illegally or to steal food in order to be able to survive. As one Iraqi asylum seeker put it: “[The Government] has to find a solution for this situation because people on Bridging Visas are in a very hard situation. You have to treat everyone equally or it could increase crime in the streets. People will steal or do whatever just to survive.” A service provider in Darwin echoed this, saying:

> It seems to be at crisis points. For our clients, people can subsist on the income that they receive at a really basic level. They skip meals to subsist, to get by. But as soon as something happens, any little thing happens, they just don’t have the resources to deal with it. Like if somebody gets sick, or any outlay, an electricity bill, anything, they are in trouble.
RCOA also heard disturbing anecdotal reports from consultation participants about concerns that female asylum seekers living in the community had undertaken sex work to survive, as their income was insufficient to cover their basic needs of rent, utilities, food and medication. Other consultation participants noted the impact of no work rights and the reliance on the mediocre payments on individuals and families, with one provider saying:

They can't work. A lot of people have children and there's just nothing for them. There really is nothing… It's just a huge need out in the community and a lot of people forced to turn to community for help but very quickly, it is isolating and exclusionary. They have to borrow money, have to share accommodation. We have a lot of people who are couch-surfing or staying at friends' places and there is so much conflict that soon arises that they can't stay there for long. It's quite atrocious, it really is. Especially when there are children there too. It is causing enforced homelessness.

**Reduced income payments for young adults**

The recent reduction of income payments for young people aged 18 to 21 has meant that young people who were receiving 89% of the Special Benefit rate are now receiving 89% of Youth Allowance, a reduction of $80 per fortnight. As one young Hazara asylum seeker said:

> I am 19 years old and my payment is down to $360 per fortnight. I have signed a lease when my payment was higher [$440 per fortnight]. The only way to pay my bills is to eat less food. My friend also has less payment and is not taking medication [because he cannot afford it on the reduced ASAS payment]. I am suffering from shock.

This almost 20% reduction in their fixed income has meant that young people are struggling to pay their rent, bills and other costs. Several other young people advised that they only had flexibility in how much food that they purchased or if they filled and took their medications. An Iranian young woman in Dandenong was scared, and said, “I cannot fill my prescriptions [on the new payment]. The doctor says that I need it but I cannot pay. How will I survive?” Several young people were worried that they would be forced to work illegally just to survive: to be able to cover their rent or to get one meal per day. An Iranian asylum seeker lamented that he could not afford the $10 calling card to call his family back home, saying: “My uncle passed away two weeks ago, and I didn’t have any money to ring my family and say that I was sorry and comfort them.”

Many consultation participants also questioned the logic of this payment, as young asylum seekers do not have the same option to “remain in the family home” that Australian-born young people have. As young people have the same needs as slightly older adults, it was strongly recommended among participants that the income payment be restored to 89% of the Special Benefit Rate.

### The impact of reduced income payments on young people

Gavan is Kurdish (Iraqi) and was released from immigration detention in July 2013 on to a Bridging Visa without work rights. Gavan has complex physical health problems and due to discrimination because of his ethnicity in accessing the appropriate health support in Iraq, his physical and mental health had deteriorated considerably. His poor health required an emergency health referral upon his arrival in the community.

Due to a debilitating chronic auto-immune disease, his mobility has been compromised, and he is unable to walk without an aid and without experiencing severe pain. Prior to arriving in Australia, Gavan developed serious gastric bleeding as a result of unmonitored use of anti-inflammatories and has not been able to treat the continuing pain from his disease due to the internal damage. Gavan has no family support in Australia and experiences constant financial strain from receiving a limited income of 89% of youth allowance, approximately $181 per week. He needs to attend regular medical appointments but finds it difficult to pay his rent, utility costs and medications with the restricted income payments. The only flexibility in his budget is what he pays for food, so he eats only one meal a day. Gavan further faces increased stress from the uncertainty of waiting for his Protection Visa outcome.
Transport costs

While some states and territories issue concession status for asylum seekers for public transport (Tasmania, Victoria and ACT), most do not and the cost of using public transport on a limited, fixed income leads to difficulties for asylum seekers in the community. Asylum seekers consulted told RCOA that they often could not attend medical appointments, activities organised by community groups and even their Immigration meetings because of the prohibitive cost of public transport. As many of the areas where housing is more affordable is outside of service areas or away from a city centre, asylum seekers paying full fares spend $8 to $22 per day. On very limited ASAS or CAS payments, these fares leave people unable to use transport, isolating them from engaging in required DIBP appointments and meaningful activities. One asylum seeker in Western Australia said: “My case officer asked me to see him regarding my immigration matter but I could not go because I did not have money.”

For those people living in regional and rural areas, it can be particularly difficult. A service provider in regional Victoria explained the challenges faced by their clients in having to travel to Melbourne once a month for appointments with DIBP: “The costs of travelling to Melbourne have to be covered by families, which is putting even more of a financial strain on them. If an unaccompanied minor has to go [Melbourne], it also means worker time to accompany the minor. Families are taking children out of school to go to these appointments.” Services in regional areas recommended that an Immigration officer travel once per week to regional and rural areas to meet with clients, as a DIBP official would find it easier to make the journey.

5.2.3. Housing

The challenges for asylum seekers navigating the housing market were raised at many of the consultations. Both agencies and groups providing support and asylum seekers themselves were upset by the difficulties faced by people seeking to secure accommodation. As asylum seekers are not eligible for public, social or community housing, they have to compete in the private rental market. Initial accommodation support in the first six weeks of release from closed detention was provided as part of the CAS Transitional program and, while the service providers made great efforts to support people into housing, many asylum seekers shared the challenges of securing and maintaining accommodation.

An Iraqi asylum seeker in Victoria shared his and his friends’ experience, saying: “We’ve just been in the detention centre and we were dreaming of leaving but actually I feel sorry [that I left] because there at least we had some shelter, we had some way of getting our food. But a lot of us now are homeless or living as a group with more than five in one bedroom.” Overcrowding of people in share houses was a common theme among asylum seekers, as most did not have work rights and had to pay their rent out of their meagre income payments. The only option available to many people was to pool their money and share rooms within houses.

Even when people pooled their money, they advised that they often had difficulty securing a lease, as real estate agents and landlords wanted rental histories or references. As one Afghan man put it:

Every day I move around... I even do not have the right to live somewhere. This has been two months that I have been wandering trying to find somewhere to put my hat, to get shelter. But when I go to properties, they say I have no reference, so I have to beg the people who have already rented some sort of house. And I go and I beg and I implore: ‘Please, let me in’. And they provide me some accommodation for a handsome amount of money and then the Immigration will not pay for that because they are not willing to write to give it to me [i.e. as the housing arrangement is informal, he is not eligible for rent assistance]... I do not have any place to live. I have changed my accommodation 12 times in eight months.

Asylum seekers in different states shared their experiences of couching surfing, sleeping in shifts in rooms and sometimes resorting to sleeping in public parks. This increasing incidence of
homelessness among asylum seekers is a concern for homelessness services. Many of these agencies are not equipped with the skills or resources to assist asylum seeker clients.

Several service providers also warned that asylum seekers were at high risk of exploitation in the housing market and that some unscrupulous landlords were capitalising on the vulnerability and naivety of asylum seekers. RCOA heard examples of people signing leases and being charged rent for inappropriate accommodation – six men in one garage being charged $90 a week each; living rooms subdivided by cardboard walls to fit more people in; and old petrol stations and dilapidated warehouses being used for housing.

When asylum seekers are unable to secure housing, it is often community members – many of whom are recently-arrived refugees themselves – that provide emergency accommodation for the asylum seekers. This can leave the lease-holders in a difficult situation, as they are at risk of contravening the terms of a rental contract where limits apply to numbers of persons staying in the house. As one Queensland service provider explained: “One man had ten people staying with him, and [when the real estate agent found out] he terminated his lease.” Even given this risk, community members are still taking in people. One service provider remarked: “They aren’t going to turn away their family, their countrymen. There is a lot of obligation put on them to take people in, and then they’re putting themselves at risk as well.”

**Basic household goods**

Even when asylum seekers are able to secure housing, they are not able to furnish the properties with even basic goods. RCOA heard from asylum seekers around Australia who were sharing blankets, sleeping on floors and unable to cook food because of a lack of basic household necessitates. Participants advised that some people had been sleeping on floors for three months. As one woman said: “We have nothing to sleep on, nothing to eat off.”

While some charitable organisations and second-hands shops have goods available, asylum seekers often do not know where to go or do not have the small amount of money to purchase items. Services said that they felt frustrated that they were unable to provide assistance for material goods. Several providers advised that they relied on charitable organisations to provide goods but that the supplies were constantly running low.

RCOA was advised about volunteer groups that had formed to coordinate material aid and donations but struggled to find the storage, transport and people to sort items, ensure their safety and distribute them to clients.

**5.2.4. Education and English language training**

Access to education and English language training was a huge issue among asylum seekers consulted. Young people in particular were keen to study, to participate and to advance their lives. As one young Iranian asylum seeker put it: “I have been here two years. I am not allowed to study. I want to start my life. I am paused.” A Hazara young man who had been living in Iran was devastated by not being able to study and have an education in Australia, saying, “I was not allowed to study in Iran when I was there for years, and now I am not allowed to study in Australia. How would you feel?”

The lack of educational opportunities damages not only the future prospects of asylum seekers but also their current mental health and well-being. As one support service in South Australia said:

> Young people are not allowed to do anything but, according to their culture, they are not supposed to stay at home either. They just go out and sit in groups outside. We need to provide more activities, education and support. While they are here, we need to look after them. It is our duty. It is our responsibility because they are in Australia. Even though they are not on a proper visa, still they are here and you can’t see them just dying in front of you.
Many asylum seekers shared their frustration of wanting to study but held back because of visa condition restrictions or costs.

The 45 hours of English language training was seen as wholly insufficient by consultation participants. One service provider in Victoria put it aptly: “The hours of English for asylum seekers both in CD but particularly on Bridging Visas is not even close to enough. It needs to be increased to help people become independent. They cannot make appointments for themselves or move safely in the community without English.” Other consultation participants agreed, noting that English classes were vital to people being able to communicate effectively – including to abide by all Australian rules and laws – to live independently, to engage with other people and to live safely in Australia. One regional service provider observed that the lack of meaningful English language training could create long-term dependency on welfare payments: “If it’s left too long and people aren’t able to start any English or education, it becomes harder to engage.” Another provider noted: “There will be serious and compounding consequences, not just for this cohort but also for the wider community, of not addressing this need. Access to established English conversation classes will create a sense of belonging and build self-reliance and confidence and assist in bridging inter-cultural divides in the local community.”

5.2.5. Meaningful activities and engagement

Participants in the consultations made recommendations for more meaningful activities for asylum seekers – particularly those without work rights or education options – and also provided examples of excellent programs engaging asylum seekers in volunteer opportunities.

Asylum seekers living in the community described their experiences of idleness, with young Iraqi asylum seekers in Victoria explaining: “We are youth, we are full of energy and have experience. Sitting idly without using our skills is causing a problem. We feel bored.” Another Iraqi young person agreed, saying: “Six months after leaving detention, we can’t study or work. We are just losing time doing nothing, trying to get involved in the community, trying to study and use the skills we have. I am worried about wasting six months, waiting just doing nothing.” An Iranian man in Queensland echoed this feeling, saying: “Because of being at home all of the time and because of having no activities, we are developing mental health issues.”

Many of the agencies providing services and support for asylum seekers expressed their concern for people not engaged in activities. A Victorian provider said: “People need to be engaged in something meaningful which would normally be work or education. But asylum seekers cannot. It would solve so many of the problems that they face if they had access to work and education or other meaningful activities.”

Volunteering has the potential to provide asylum seekers with meaningful engagement and connections to the community but some consultations participants were worried that opportunities were not sufficient. Several service providers thought that the Department’s risk averse approach was leaving asylum seekers is a bad position, as volunteering opportunities had been severely restricted and, in some cases, stopped entirely. One agency gave the example that an asylum seeker had sought permission to volunteer at a koala sanctuary (with full endorsement from the sanctuary staff) but the Department had denied the request, stating that the volunteer role was too risky.

Many consultation participants recommended that the policies on volunteer work should be more flexible so that agencies can expand opportunities. A Queensland provider advised: “People on Bridging Visas are coming to us and pleading ‘let us do something’. We can’t create enough voluntary opportunities. We need to provide people with an alternative to just sitting at home.”

Several service providers gave examples of outstanding clients who were volunteering with their organisations. One service provider gave an example of a dedicated volunteer who was an asylum seeker: he walked three hours each day, five days a week, to volunteer with them. He could not afford the public transport ticket because his income was too low but he was committed to
volunteering. Other service providers echoed that they had experienced this kind of commitment and enthusiasm from asylum seekers in their programs: they just needed more opportunities.

5.2.6. Access to services and support

Much of the discussion at RCOA’s consultations focused on the inequitable access to services that asylum seekers faced in Australia. As one Victorian service provider put it:

Why not have fair and equitable access to services for those who have already arrived? If they are saying it is to stop people coming by boat, well they’ve already done that [through the PNG arrangement]. So why not give people who are here a chance? It is not a deterrent to say you’re not going to have any services. It’s a punishment.

This sentiment resonated with another participant from New South Wales, as he reflected: “I think the argument is ‘we don’t want to encourage people to come by boat, so let’s make it hard when people get here’ ... But we need to separate the issue … Once people get here, we need to treat them in a humane way.”

Other participants suggested that it made sense to provide appropriate support early in a person’s arrival in the community, as the longer that someone went without appropriate services, the more expensive it would be to resolve their needs.

Consultation participants advised that access to services for asylum seekers was limited and varied across areas of need. Some of the issues raised included:

- Concerns about restrictions on access to interpreters for asylum seekers in the community. For example, several services advised that people were visiting doctors without interpreters and they had no idea about medication the doctor prescribed.
- The introduction of a maximum of six sessions for anyone on a Bridging Visa for torture and trauma counselling. This limit has created a lot of stress for clients and a lot of paperwork for services (as clients must re-apply for additional counselling services).
- Limitations on access to state-based services in housing, education and healthcare, and even eligibility for a driving licence, because of visa status or because of interpretations of the term “unlawful”. For example, there are concerns that access to Queensland Government services is being restricted because state government agencies are interpreting the Migration Act themselves and then restricting access to services that would be otherwise available to other temporary residents.

The limits to certain services has meant that many asylum seekers are being helped by friends, some of whom are former refugees and some of whom are asylum seekers themselves. The consequence is often bad service provision, incorrect information shared with both asylum seekers and any support agencies, and confusion among asylum seekers and the broader community. Many asylum seekers rely on their friends for advice, information and support and, while many community members are providing excellent assistance, sometimes information is inaccurate or misleading. This leads to further confusion and anxiety among asylum seekers.

5.2.7. Family separation for asylum seekers in the community

We are safe here but we are thinking about our family. What about our family?

– Afghan asylum seeker

 Consultation participants, including former refugees as well as those still in the process of seeking protection, bravely shared their experiences of being separated from their family members, many for prolonged periods of time. An Afghan asylum seeker shared: “We have been suffering a lot from where we have been living, in Afghanistan and Pakistan, but we find in Australia we are suffering here. We are far away from our families; we don’t know how they are. They want to come here as soon as possible but still we don’t know what is going to be our future.”
Even with the uncertainty of their situation, many asylum seekers felt relatively safe in Australia. They were, however, terrified for their families. People supporting asylum seekers were also worried about their clients and friends, with one worker saying, “I believe they are hopeless now. They say: ‘I want to pass away with my family, instead of staying here’.” Another support worker said: “Separation from family is horrendous. It is heart-breaking to see fathers trying to maintain contact with their family only by Skype, their children touching the screen to try to touch their father.”

Several Hazara and Afghan asylum seekers expressed their overwhelming worry for their families in Afghanistan and Pakistan. Having fled the persecution themselves, they now worried about how to save their families. One man lamented his inability to support his family, saying “I am deeply concerned about my family. With the little money we get [in Australia], we don’t buy food or clothes or go anywhere just so we can feed our family over there. Our families are concerned about their safety and not having enough money to eat, and we are concerned here because we don’t [have] work rights to help send money.”

Some participants proposed alternative solutions, willing to go to other countries if only they could reunite with their families. An Afghan asylum seeker said, “I only have this solution: If we could have the chance to go to another country to settle and be with our families. We are really more happy to be travelling to America or some other country that will let us be with our family. ... We can’t be happy because we are thinking about our families and their safety. We are happy to move to another country.” The need to get family out of dangerous situations and to be reunited trumped most other concerns.

5.2.8. Impact of Government policies and practices

**Delays and uncertainty**

Asylum seekers in the community awaiting a resolution to their protection needs have experienced prolonged delays: many have not been permitted to make an application for protection for over one year. Others are at various points along the process of having their refugee claim determined but have still been waiting on a final outcome for many months and often years. Consultation participants shared concern for asylum seekers in a state of limbo, with one Victorian participant saying: “They are living with no work rights, no processing, no money and are often relying on friends for money and services that organisations cannot provide.” An Iraqi asylum seeker further explained: “They call it a ‘Bridging Visa’ but when you translate it to Arabic, it is ‘passing visa’. But no, I will call it a ‘grave visa’... I hate whenever I ask and they say: ‘You have to wait’... In Australia I am waiting, waiting, waiting....”

Consultation participants shared how this uncertainty impacted on people in different ways – young people in school who had difficulty concentrating and remembering information and adults who often had difficulty engaging in activities or understanding where they were in the asylum process. People shared how the delays and subsequent uncertainty led to anxiety for entire families, including small children. An Afghan asylum seeker disclosed: “We are far away from our families; we don’t know how they are. They want to come here as soon as possible but still we don’t know what is going to be our future. Do you think there is any way we can get the process quicker so we can know what is going on in the future?”

As many asylum seekers’ uncertainty continues and can be measured in years, there is concern that irreparable damage is being done to thousands of people. The impact of current policies on asylum seekers’ mental health and well-being was articulated by an Iranian asylum seeker in Victoria: “The morale of people in the community is so low. They are free from detention but still not free.” This anxiety and depression that so many asylum seekers endure was characterised by an Afghan man in Victoria:

> I think these policies that they are applying on us is just like to poison somebody, slowly and gradually so that the people should not know that [the government of
Australia] are the killer. It is to kill someone by part. If we had remained in our country, we would have been killed one time, fast. Here, we are being killed slowly and gradually... I feel imprisoned here for my whole life...because of the ‘crime’ that I have committed, to come here because of persecution.

His view was echoed by others, with many other asylum seekers wishing to explain to RCOA that they fled persecution in both home countries and countries of asylum and that living in Australia, while safe, was causing them harm and pain. An Afghan asylum seeker said: “We have been suffering a lot from where we have been living, in Afghanistan and Pakistan but we find in Australia, we are suffering here.” Another asylum seeker from Iran explained: “I came here from political persecution. I expected a peaceful life in Australia but now I live in poverty. I have seen [a counselling service] for support for six months but it is getting worse.” A Tamil man agreed, saying: “We are living here, our breath is here but our life is gone. I will become a mad person.”

**Expired Bridging Visas**

The expiry of Bridging Visas for asylum seekers living in the community was highlighted at most consultations. Participants were concerned that asylum seekers’ Bridging Visas were expiring and DIBP was not renewing the visas nor giving an indication when they would be re-instated. Through no fault of their own, asylum seekers found themselves without a visa and the rights and entitlements attached to these visas. People who had work rights attached to the visa were left in limbo. Employers were unable to continue employing workers whose visas had expired, so many people who had jobs and were supporting themselves – and were not eligible for income support payments – are now left without a job or source of money, forced to rely on friends or charities. Service providers also advised that several clients subject to the non-renewal of visas lost accommodation leases because of their lack of official status. Asylum seekers whose Bridging Visas were issued simultaneously with their Medicare cards were left without access to their doctor and other Medicare services. The expiry of these visas without renewal has continued for several months, leaving thousands of people without lawful status, the right to work and at higher risk for homelessness. In addition, those who do not receive ASAS or CAS assistance are left without access to appropriate healthcare. As a service provider in the Northern Territory advised:

> We have a large number of people here in Darwin with expired Bridging Visas. The impact of that is quite significant because it means that people do not have identification. It means that people are losing their jobs. It creates a lot of anxiety. We have people coming into our office asking if they are legal to remain in the community, and what’s going to happen to them. When we speak to the Department, they say that it’s just part of a regular backlog.

Other service providers in every state and territory echoed the concerns of their clients, with one Sydney provider lamenting: “They panic... They think, ‘what’s going to happen to me now that my visa has run out?’ They think that they are going to be returned because their visa has expired.”

While the Minister for Immigration has indicated that the Government will renew Bridging Visas once the Code of Behaviour is in place, as at mid December 2013 there was still no indication of the timing of the renewals. Unfortunately, the months of non-renewals has left people damaged and even more uncertain.

**Code of Behaviour for asylum seekers in the community**

The Code of Behaviour for certain Bridging Visa applicants – namely, asylum seekers who arrived by boat without a prior visa – came into force on 14 December 2013, so consultation participants were unable to comment on the specific details of the code. Participants did, however, refer to the proposed behavioural codes that the Coalition flagged in the lead up to the Federal election. Participants said that the [then] current conditions of Bridging Visas sufficiently required visa-holders to adhere to Australian laws and regulations, as well to observe the rules and procedures associated with the resolution of their status.
The new code empowers the Minister to cancel visas on such wide grounds that there is a high risk that the implementation of the behavioural codes will be both bureaucratically burdensome and inconsistently applied. The wide-ranging codes have the potential for interpretation to be subjective and inconsistent and the implementation administratively costly. Many agency representatives viewed the call for behavioural codes as “purely political”, as most asylum seekers on Bridging Visas were living quietly in the community and had not had negative interactions with police.

In discussions since the code’s introduction, service providers were particularly concerned about the lack of detail, as it is unclear which breaches would cause each sanction. Case managers were disturbed by both the threat to re-detain as well as to reduce the already inadequate income payments. As one provider reflected: “I do not understand how forcing someone into further destitution will help them to resolve their status and live safely in the community. It is more likely to lead to further breaches [of the code], as people may either work illegally to support themselves or act out in pure desperation.” Many consultation participants were also worried about the implications of these behavioural codes on community perceptions of what asylum seekers are like. The need for separate behaviour codes implies that asylum seekers are untrustworthy and need to be treated suspiciously. This perception both contradicts the evidence and also contributes to social division.

5.3. OFFSHORE PROCESSING

As in last year’s consultations, many consultation participants raised serious concerns about the offshore processing of asylum seekers in Nauru and PNG’s Manus Island. These concerns primarily related to: the lack of capacity of Nauru and PNG to provide adequate protection and support to people seeking protection; conditions in offshore processing facilities and their impacts on the health and well-being of asylum seekers; and processes for assessing asylum claims and providing durable solutions to people found to be refugees.

5.3.1. Capacity of Nauru and PNG

A number of participants raised concerns that Nauru and PNG did not have the capacity to provide adequate protection and support to people seeking protection. For some, these concerns related to the limited financial and institutional capacity in both countries, evidenced by the challenges they face in addressing the needs of their own populations. In the words of a Burmese community representative: “Why would Australia give the responsibility to other countries, developing countries like PNG which needs support to catch up with other countries? It kind of amazes me.”

Others drew attention to aspects of the Nauruan and PNG law which are out of step with international human rights standards. A service provider in Sydney noted: “We know that the Nauru and PNG laws are not comparable to Australia. The potential consequences for certain actions that occur are in direct breach of international human rights.” Some raised specific concerns about the implications for same-sex attracted asylum seekers of the criminalisation of same-sex sexual activity in PNG. In the words of one migration agent: “Under international law and our law, that is a particular social group being persecuted and that would qualify you for protection. There, it’s a crime.” Some also raised questions about the extent of Nauru and PNG’s jurisdiction over asylum seekers subject to offshore processing, noting the fluid and arbitrary manner in which responsibilities were shifted between the three governments involved. As noted by a service provider in Sydney:

> It would be good to resolve this issue around responsibility and sovereignty. They are constantly passing the buck. If there’s an issue on Manus or Nauru, the Australian Government will say, ‘it’s outside of our jurisdiction’. But now that this group has been brought back [from Nauru], all of a sudden they’re back under Australia’s jurisdiction and they’ll be processed here. This ‘it’s not our responsibility when it suits us’ attitude is a problem and it would be good to get some clarity around that.

Significant concerns were also raised in relation to PNG’s capacity to provide for the permanent settlement of refugees under its Regional Resettlement Arrangement (RRA) with the Australian...
Government. Many participants emphasised the high levels of violence, crime and insecurity in PNG and expressed fears that the Government of PNG would not be able to ensure the basic safety of refugees (particularly women), given its inability to protect its own population from violence. In the words of one participant from Darwin: “Putting vulnerable people who have fled a situation that was violent into a situation that is violent is quite a concern.” Others highlighted PNG’s lack of experience in supporting the permanent settlement of refugees and the absence of sufficient infrastructure to support successful settlement. Issues of concern included lack of employment opportunities, limited access to educational opportunities (including language tuition), inadequate physical and mental health services and lack of access to social security for people who fall outside the wontok system. Some also raised concern about the potential for tension, conflict or resentment between non-Melanesian refugees settled in PNG and the local population. One participant described the RRA as “a disaster waiting to happen”.

5.3.2. Conditions in offshore processing centres

Some participants expressed concern about the mandatory, indefinite and prolonged detention of asylum seekers in Nauru and PNG, with one Burmese community representative claiming that “it is not detention, it is prison over there”. Others raised concerns about the harsh physical conditions under which asylum seekers were being detained offshore, with participants variously describing these conditions as “appalling”, “horrific” and “shocking”. One service provider who had worked with asylum seekers formerly detained on Manus Island quoted these clients as saying “we are treated like the insects that crawl on the ground”.

Participants also highlighted the likely impacts of being detained for prolonged periods under these conditions on the physical and mental health of asylum seekers, particularly on vulnerable groups such as children and unaccompanied minors. In the words of a participant in Adelaide:

“\textit{I am really against people being sent offshore. I was involved a lot with the Baxter Detention Centre where men were locked up for four years and there was so much mental illness in those centres. We're going to have an enormous problem with these people being sent offshore. It's against all humanitarian principles as far as I'm concerned.}”

Some concern was expressed that these mental health impacts could trigger out-of-character behaviour that may latter impact on an asylum seeker’s prospects of securing protection. As noted by a service provider in Sydney: “[It] is just such a constrained and an unusual environment and tempers flare. And [then we are told] ‘this is not the behaviour of someone who would make a good Australian citizen’, whatever that may mean."

One participant raised concerns about the 48-hour turnaround for transfer of asylum seekers offshore after they arrived in Australia, noting that this time period was insufficient for a thorough assessment of health care needs and whether these could be realistically addressed in Nauru and PNG: “Everything is happening so quickly, people could easily slip through the net and be missed. They could get so sick.” Cases were cited where asylum seekers had been transferred offshore within 48 hours of arrival but returned to Australia within a week for medical treatment.

Some participants also expressed concern about the lack of independent monitoring and oversight to ensure that asylum seekers are treated in accordance with international human rights standards and the limited avenues through which asylum seekers can raise concerns or complaints.

5.3.3. Refugee status determination and durable solutions

Participants expressed several concerns relating to refugee status determination (RSD) processes in Nauru and PNG. One service provider in Sydney highlighted the major delays in processing of asylum claims:

“The biggest issue is that it’s tasked as an offshore processing centre but there’s not a lot of processing going on. In a place like PNG which hasn’t really mapped out their...}
refugee processing mechanism, you are literally detaining 1,000 people with no prospect of processing but you are doing this under the guise that this is a processing centre. The rhetoric around the centre that is being used by the Government doesn’t translate. If you’re not processing people, what are you doing exactly?

Others expressed concern about the robustness of the RSD process itself, including the lack of a clear legal framework for RSD in PNG, the broad exclusion clauses in the current PNG RSD framework, the lack of experience among Nauruan and PNG decision-makers in conducting RSD, difficulties faced by legal representatives in accessing transcripts and attending interviews with clients and lack of clarity regarding processes for judicial review.

A number of participants also expressed concern about access to durable solutions for people who are eventually found to be refugees. It was noted that there did not appear to be a clear strategy to ensure that people in need of protection had access to a timely solution. Some concern was expressed that the provision of durable solutions would be at odds with the stated purpose of offshore processing, that is, to deter asylum seekers from travelling to Australia by boat. As noted by a service provider in Darwin: “If and when [resettlement] starts to happen, how is that really a deterrent anyway? It seems to defeat the whole purpose of what is being proposed, to deter people to come this way.” A service provider in Sydney was of the view that “we are not really serious about resettlement and processing but we are really serious about punishing people”. Concerns were also raised about the separation of family members through offshore processing and the lack of clarity regarding the reunification options for families in these circumstances.

5.4. REFUGEE STATUS DETERMINATION AND LEGAL AID

Participants raised a range of concerns relating to Australia’s refugee status determination (RSD) process, including the proposed withdrawal of access to the Refugee Review Tribunal, the proposed implementation of a “fast-track” assessment process and the denial of access to RSD through the “enhanced screening” process. Some commented that these policies were not consistent with Australia’s obligations under the Refugee Convention while others described them as “dangerous”, “really problematic” and even “horrendous”. One service provider in Melbourne was of the view that the proposed changes represented an effort to “change the definition of refugee to reduce the numbers”.

The primary concern raised by consultation participants in relation to RSD, however, was the new Government’s proposal to withdraw of access to the Immigration Advice and Application Assistance Scheme (IAAAS) for asylum seekers who arrived in Australia without a visa. Participants highlighted the complexity of the visa application and status determination process and the difficulties asylum seekers would face in navigating this process in the absence of professional advice and application assistance. A service provider in Melbourne asserted that “there needs to be a much simplified application system if people are going to fill in their own forms”. Another service provider in Brisbane highlighted the difficulties that asylum seekers would face if they were required to fill in forms in English. The Government’s proposed alternative of providing clear written information was seen as inadequate given the complexity of the process, particularly for asylum seekers who are preliterate. A service provider in Sydney asserted that “it’s all very well having information kits or sheets but that’s not the same as actually having someone explain it”. There was concern that people who were generally in need of protection may be excluded due to difficulties such as these.

Participants also highlighted the lack of viable alternatives available to these asylum seekers, citing the limited availability of low-cost or pro bono legal advice and application assistance and the inability of most asylum seekers (particularly those who do not have work rights) to afford private legal and migration agent fees. A service provider in Sydney reported: “I know a lot of clients that I work with who are accruing huge debt through friends in the community – or ex-friends, now – paying for private lawyers. Thousands and thousands of dollars in debt.”
Several service providers offering non-legal support services to asylum seekers reported that their clients were increasingly seeking advice and assistance with visa applications and expressed concern that their services did not have sufficient resources or expertise or resources to provide this support. One service provider in Sydney noted: “Usually, if there are any questions, we can have that contact with the migration agent but, when they don’t have anybody, they only have a case manager, we can’t tell them anything about the legality.” Another participant in the same consultation said: “I’m assuming that, if they make a decision that people are going to get a TPV, they’ll probably just send them a letter that’s written in English. Whose responsibility is it to explain that to the client? We can’t do that; we’re not meant to.” A service provider in Darwin predicted that “we’re going to end up filling out a million forms and the burden of that is just far too high”, while another provider in Tasmania reported that “people are asking their English teachers for help” with the application process.

Others expressed concerns that the withdrawal of legal advice for some asylum seekers would create inequities in the status determination process, noting that people with poorer language and literacy skills, who had less education or who were experiencing mental health issues would be at a significant disadvantage. One service provider in Brisbane was of the view that “the system will eliminate everyone except the toughest and the fittest”. Another service provider in Brisbane noted:

> It’s a legal process. It’s a legal form. I have trouble reading that and understanding what they are asking me. It’s ludicrous for us to think that people will be able to fill out a form like this particularly when it is such an emotional time for them. Forms like this are very difficult at the best of times. And if there is no written version of your language, how do you complete the form in your own language? The most vulnerable groups will be the most disadvantaged in this process.

A service provider in Darwin similarly asserted:

> You’re going to end up perhaps with inequality in these applications. For example, you’ll have your higher educated people who are able to figure out how to put in the application themselves, and people like the Rohingyas or Tamils who have missed out on some education and aren’t able to learn the process because of their educational background are going to have real difficulty.

Speaking more broadly, a service provider in Sydney noted that the withdrawal of access to legal advice throughout the RSD process could be counter-productive:

> They’ve cut the funding for the service that provided advice for people who had just started action in the Federal Circuit Court. It wasn’t that expensive to run and probably saved the Government a lot of money in terms of court time and court costs and the advisors often encouraged clients to withdraw their claims if they had no prospect of success. So some of the cuts don’t seem to be very rational.

Finally, one consultation participant raised concerns about prolonged delays in the Ministerial Intervention process:

> The whole process is up in the air… We know people who have been at Ministerial Intervention for a long time – one client for 18 months now and several Ministers. Each time [there is a change of Minister] the Minister wants it done in a different way, the unit that works in Ministerial Intervention has to go away and re-prepare these cases. The Minister may sign off on a few, then there was a new Minister and the whole process has to start again.

A participant in the same consultation supported these remarks, commenting: “It’s such a long time. People are being forced to wait years.”
5.5. TEMPORARY PROTECTION VISAS

At the time of the consultations, the Australian Government had recently amended migration regulations to reintroduce TPVs, a move universally opposed by participants in this year’s consultations. As with the reduction of Australia’s Refugee and Humanitarian Program, not a single participant expressed the view that the reintroduction of TPVs was a positive or constructive policy decision.

The only positive feedback relating to the reintroduction of TPVs came from participants who saw some elements of TPVs (such as permission to work) as being preferable to the conditions imposed on Bridging Visa holders. For example, one consultation participant noted in a written submission that “the restoration of work rights for community-based asylum seekers on TPVs will overcome issues with entrenched poverty and relieve pressure on charities”. However, this participant went on to note that:

While superficially TPVs may appear to offer meaningful protection for community-based asylum seekers, it is clear that the temporary status, long-term uncertainty, restrictive conditions and limited entitlements associated with TPVs will cause immense psychological harm and in effect create a cohort of second class refugees.

As reflected in the comment above, the main concerns of consultation participants with regards to TPVs related to the impact of the policy on settlement outcomes. Participants also raised a number of issues relating to the new conditions attached to TPVs and the effectiveness of the TPV policy as a deterrent.

5.5.1. Impact on settlement

Many participants expressed concern that the conditions imposed on TPV holders would hamper their ability to recover from experiences of trauma and settle successfully in Australia, citing the outcomes of Australia’s previous TPV policy. The impact of these conditions on mental health and well-being was viewed as a particularly critical factor in this regard. Temporary status, uncertainty about the future, worry about being sent home, separation from family members and limited access to support services were all cited as factors which would undermine the mental health of TPV holders. A service provider in regional New South Wales who had worked with TPV holders under the Howard Government commented: “They’re almost like no person... The psyche of a person who is here but really not here. It’s a terrible form of mental torture.” Another service provider in regional Victoria stated:

For people here in our community, the mental health impact of family separation, not being able to see hope in the future, or develop any plans, has had a profound impact on services and the mental and physical health of our clients. It’s going to be long-term. Asylum seekers are incredibly depressed, and this is just the start. We’re going to see a significant increase in mental health issues and an incredible burden will be paid in the future for this policy.

Many participants raised specific concerns about the deleterious impacts of family separation on mental health and expressed dismay that TPV holders would not be permitted to sponsor family members for resettlement or even visit their family members due to restrictions on overseas travel. It was evident that a number of participants saw these conditions as a particularly cruel element of the TPV policy. Indeed, people who were in the process of seeking asylum and were liable to be granted a TPV expressed great distress at the prospect of being unable to reunite with their families. One Hazara asylum seeker described himself as being “jammed in a bottle”, while a Tamil asylum seeker stated “I can only weep without my family here”.

Participants noted that these negative mental health impacts were related not only to the conditions of the TPV itself but also from the impact of these conditions on recovery from pre-existing trauma. As described by a service provider in Darwin:
One of the basics of dealing with someone from a trauma background is that, to get any form of healing, they need to have a baseline of safety and security. [This is not possible] if they are constantly under threat because every three years they have to worry about going back and reapplying for a TPV... It's one of the things that sort of holds them in place in terms of being able to address their trauma... They are always going to be in this state.

Another service provider in Darwin expressed fears that many asylum seekers who are now liable to be granted TPVs would struggle to cope on yet another temporary visa due to having lived in precarious circumstances for such a long period of time:

There is a group of people who were long-term detained, then were released on to Bridging Visas and now it looks like they will be subject to receiving a TPV, if they receive anything at all. I would be very concerned that those people, after that long-term detention experience and all of the uncertainty of a BVE, wouldn’t have the mental fortitude left to deal with the uncertainty of a TPV. And that’s probably a large number of people Australia-wide.

Participants also expressed concern that TPV holders would struggle to secure employment and otherwise navigate life in Australia without access to settlement support services and educational opportunities (particularly English language tuition). Several participants called for TPV holders to be granted access to settlement services such as the Humanitarian Settlement Services program, Settlement Grants Program and Adult Migrant English Program. A participant in Darwin expressed concern about the potential impacts on other service providers should TPV holders not be eligible for this support: “We’re just unclear about how much support TPV holders will get with regards to their settlement and what that does with putting pressure on other settlement programs. We already see that with Bridging Visas and that’s quite a difficult scenario for people in the business.”

This comment from a service provider in Adelaide, referring to Australia’s previous TPV policy, reflected the views of many consultation participants on the reintroduction of TPVs: “It was traumatic. It accomplished nothing good. Just about everyone got a permanently visa after a long, unnecessary bad period... [It] interferes with good settlement outcomes and agencies have to pick up the pieces.”

5.5.2. New conditions

Participants also raised a number of issues relating to the new conditions attached to TPVs, namely, the inability to apply for permanent residency, the proposed mutual obligation scheme for TPV holders who are in receipt of income support and the proposed geographic restrictions on work rights.

Permanent residency

Some consultation participants predicted that the mental health impacts of TPVs would be even more acute than they were under the previous TPV regime due to opportunities for permanent residency being far more limited. In a written submission, one consultation participant went so far as to assert that “the rolling temporary status of TPVs ... will make successful settlement almost impossible for TPV holders”. A service provider in Adelaide noted: “I think these new TPVs are going to be worse than old TPVs because it doesn’t appear as though there is going to be a future to it. At least before ... there were three years of anxiety and then a new opportunity to go for permanent [residency] and, as we know, so many people got it. But as far as this Government goes, that’s not [available].” A service provider in Darwin highlighted the implications of this restriction for stateless people (specifically Rohingya refugees) who had no prospect of obtaining citizenship: “I really don’t understand that idea of stateless people getting TPVs. It’s not like their situation is going to change in three years’ time and then suddenly Burma is going to embrace them as citizens of their country.” A number of participants also called for greater clarity regarding the process for reassessing the claims of TPV holders once their initial visa expires, expressing fears that this process may not be sufficiently robust.
Mutual obligation

A number of consultation participants saw potential benefits in a mutual obligation scheme. Some noted the potential positive impacts on the physical and mental health of TPV holders, while others cited the potential benefits to the Australian community of providing opportunities for TPV holders to make use of their considerable skills and contribute to Australia. However, participants also raised concerns about the practicalities of implementing a mutual obligation scheme and called for a reasonable and flexible approach to implementation which avoids imposing conditions that are unrealistic, unnecessarily onerous or which may interfere with successful settlement in Australia. A service provider in Brisbane, for example, noted: “Some flexibility in mutual obligation is needed for parents and people who are unwell. When English programs were first set up for CD, TAFE was very keen to ensure people turned up five days a week. It was very hard to do because of appointments and illnesses in the family. The commitment was there from the clients but attendance every day is not always possible. It is important that the expectations are reasonable.”

Geographic restrictions

A few consultation participants expressed reservations about the proposed geographic restrictions on work rights for TPV holders, citing the potential pitfalls of settling refugees in areas which lack established community networks or support services. As noted by a service provider in Brisbane: “It is well and good to say we will give you work rights if you move to the regions but what supports are they offering those regions? People won’t be successful if there are not supports and resources in those regions. Discrimination and racism can be heightened if there is no support or preparation.”

5.5.3. Effectiveness as a deterrent

A number of participants were of the view that TPVs would not be effective in deterring asylum seekers from travelling to Australia by boat in the future. Several recalled Australia’s previous experiences with TPVs, noting that boat arrivals increased substantially in the two years following the introduction of TPVs in 1999 and citing evidence that TPVs had actually encouraged some asylum seekers to travel to Australia by boat. As noted by a service provider in Darwin: “We saw that last time TPVs were here. People were jumping on boats or putting their families on boats simply because of the lack of family reunion.”

Others noted that TPV policy was effectively redundant as a deterrent as they affected only people who were already in Australia and all future arrivals would now be subject to offshore processing. In the words of a service provider in Sydney: “They’re not providing any deterrent because these people are already here and everybody else isn’t going to come here because they’re all going to be shipped off to Nauru and Manus... It is purely punitive. It’s not achieving anything.” Indeed, many consultation participants were of the view that the reintroduction of TPVs was a purely punitive measure rather than one which was genuinely aimed at deterring future arrivals.

5.6. CHILDREN AND UNACCOMPANIED MINORS IN THE COMMUNITY

The children and young people have told us that they are not living in the community, they are surviving. Surviving but not living. – Service provider in Victoria

Asylum seekers in the community in Australia include children within family groups as well as unaccompanied minors and young people. The asylum journey can be traumatic for children and adults alike, however, the impact of some policies on children and young people in the community was seen by consultation participants as compounding this trauma. One service providers reflected on the uncertainty of asylum processes for people living in the community on Bridging Visas, noting: “For a young child in the mix whose parents are in a cycle of uncertainty, this is profound. Their parents are expressing a suicidal level of anxiety but the child also experiences that anxiety. This has an impact on a child’s ability to focus on school and form friendships.”

For children and young people separated from family, consultation participants were worried about their ability to live safely in the community and navigate Australia’s systems. One case manager
wondered if the young people were getting lost in the system, too worried about seeking assistance from mainstream providers or even unaware about what help was available. Another service provider said that she observed young people very anxious about doing anything wrong and wary of talking to people that they did not know. This resulted in them not being linked to services that could assist them. This then led to further isolation for the young people, and it caused a downward spiral in their confidence.

5.6.1 Unaccompanied minors - guardianship

As in years past, many people at RCOA’s consultations raised their concern about the guardianship arrangements for unaccompanied minors. Participants raised the conflict of interest which exists while the Minister for Immigration remains the guardian of all unaccompanied minors under the *Immigration Guardianship of Children (IGOC) Act 1946* while also being in charge of immigration detention and decision-making about Protection Visa applications. While there was not consensus on who should be the alternative guardian – be it a Public Guardian panel like that in the United Kingdom or another Federal Minister – there was agreement that an alternative was required urgently and that the IGOC Act needed to be amended to reflect a viable option.

Community members and service providers expressed dismay about the treatment of unaccompanied minors. Without an independent guardian concerned with their best interests, these children are suffering from uncertainty about their own future, as well as that of their families left in precarious situations overseas. As one community member said: "The unaccompanied minors are so at risk. They have no one here. They have no link, no one to hold on to for the future ride." Another provider lamented what the future held for the young people that were left alone, without family and educational opportunities.

Consultations participants said that while these unaccompanied children required specific care and consideration, they also had a keen interest in participating and contributing to Australia. One service provider advised: "I work with unaccompanied minors currently in community detention. All of these young men are highly motivated to learn English and study in Australia. They also have a very strong work ethic. They want to give something back to the country that has given them safe haven."

5.6.2 Community detention

Most agencies welcomed the community detention program as a viable alternative to closed detention for children, families, young people and vulnerable adults. There were, however, some mixed assessments regarding some of the restrictions imposed on community detention clients, particularly children and young people. Several participants expressed their concern about the “risk adverse approach” of DIBP in not permitting children and young people in community detention to participate in activities that other children their age would get to do. One provider advised: “Young people in community detention are not allowed to do sports where they may get hurt. The boys responded by saying, ‘It’s maybe okay to send us back to be shot by the Taliban but we can’t do this (play sport)!’”. Another provider reflected that young people want to do what other young people do: stay over at friends’ houses, stay out late, play sports and do the kinds of things that 17 year olds do regularly. The guidelines of community detention, however, have meant that these young people do not get to participate and “be a kid”. Another consultation participant expanded on this, saying: “A lot of the [acting out] behaviours are actually a direct result of the constrained environment that they are living in – constraints of money, of not being able to go to stay with someone, of not being able to have someone over to stay. Things that are a direct result of detention then become used against the person as a breach of the guidelines.” Services working with young people called for more flexibility in how DIBP considered requests from young people as well as more flexible interpretations of the community detention guidelines.
5.6.3 Transitions for young people

Several service providers applauded the intensive supports available to unaccompanied minors while they were in community detention. Intensive case management, secure accommodation, school options and training for living independently were all seen as positive examples of a viable community alternative to closed detention. There were concerns, however, when the young person then had to transition out of community detention on to a Bridging Visa. As one Sydney provider remarked: “It goes from lots of support to almost nothing in a matter of weeks”.

Services from all around Australia expressed their concern that the lack of transitions for 18 year olds – particularly highly vulnerable young people with few supports in the community – has led to rapid deterioration in the mental health and well-being of these young people. One Victorian provider shared that young people had reported to her that, upon leaving detention and then community detention:

They were utterly, utterly terrified. I have seen their mental health deteriorate because they do not know anyone.... The fact that they say that, despite all the terrible things that happened to them in detention, they felt safer there, is an indictment on us and how unsafe they feel in the community. This week, [I saw] a young man who is debating if he should request to be deported and the worst thing that would happen to him is that he would be shot. But he’s weighing up between that [and remaining in the community], and for me to sit there and see him weighing that against his current reality is devastating. It just shows how unsafe he feels.

Several service providers recommended that young people continue with a single case manager and point of contact throughout their transition from out of home care to independent living in the community and maintain that support until the resolution of the case or until the young person felt able to live independently in the community.

5.6.4 Education for children and young people in the community

A major issue raised at the consultations this year was access to education and training for young people. Of particular concern was the lack of schooling options for young people when they turn 18. As DIBP funding ceases in the term that a young person turns 18, asylum seeker young people have been unable to continue their education. There have been some options made available for individual cases whereby schools, community groups or philanthropic organisations cover the costs to ensure that a young person can finish a school year; however, most young people face few options when they turn 18 (or when they are still 17). One service provider in Sydney advised that they were observing young people going to libraries or English classes run by volunteers to attempt to further their education but it was not the same as a formal school setting. Many of them just ended up staying at home and not engaging in further learning.

There was also concern that young people seeking protection were often locked out of vocational or other training courses because of either financial constraints or because of visa restrictions or conditions. A Victorian provider was very worried that “independent young people often without any adult members in a family [were being] locked out of vocational education. This seems bizarre but nearly all their educational options are in the post-school system and so they are subject to visa restrictions... This is not evident when you look [at the policy] and you see young people have education rights but, in fact, over 18 they do not.”

The long-term impact of denying people education was also raised in the consultations, with several people warning that these young people were being forced into “entrenched poverty” and would not be able to participate in Australian society in the short or long-term. Reflecting on the opportunities afforded to most in Australia, a young Afghan woman said, “Australia is a good example [of where] everyone has the same rights and safety. ... It doesn’t matter your race or gender. A big problem [however] is once you are over 18, you can’t have education. It is a very unfair system and young people should be able to see their education through. That should be changed.”
This recommendation was echoed by other young people. A young Hazara man said: “We should be able to enrol in education or training while we are waiting for [a] visa outcome to improve our skills to get a job, for the sake of that person and for the sake of the Government.” Service providers endorsed this recommendation, noting that the policy was cruel and unnecessary. As one Sydney provider said: "We work with the most incredible, bright young kids who want to get their HSC (Higher School Certificate) and really want to succeed here, and they're just being blocked from that."

One education department official spoke about the measuring educational outcomes based on equity and access regardless of a student’s background. She said:

*The visa or lack of visa someone has is determining access. It goes against everything that we are trying to do. We have different schools involved, trying to do similar things with similar kids but some are excluded based on conditions required for children in CD. We are starting to put in exceptions. Schools are doing pathway planning but if you have a kid that you can’t talk to about university because they are not eligible to go to uni or can’t put them into programs which involve part-time work, it goes against everything that we are trying to do.*

Several community workers noted that schools were often very supportive of young people staying on and would often write letters of support for the students. There were several examples of community groups, schools, philanthropic bodies and state governments providing funding and support to permit young people to remain in school. Participants commented that these efforts were welcome and necessary until the official policy of Government was more flexible and adaptable to the needs of children and young people seeking protection.

5.7. OTHER ASYLUM POLICY ISSUES

While much of the feedback focused on emerging issues for asylum seekers in the community, participants in RCOA's consultations raised issues that have been of concern for several years. These issues include the situation of people in immigration detention, adversely-security assessed refugees and return processes.

5.7.1 Immigration detention

Consultation participants again expressed their worry about people detained in immigration facilities. DIBP’s immigration detention statistics showed that, as at 30 November 2013, over 6,100 people were in immigration detention facilities on the mainland and on Christmas Island, with 85% of people detained for more than three months, including almost 1,800 people detained for more than six months. Some people had been in immigration detention for several years, with no prospect of release or resolution.

There was considerable concern that few people had been released from closed detention in the months following September 2013, so many people had been detained for a minimum of five months (as at December 2013). This time in detention also does not take in to account the many months and even years that thousands of people had been detained, so the detrimental impact of prolonged detention must be considered. As one health practitioner in Victoria warned: “At a minimum, people have been detained for over four months. We know the implications of that.” A community member in South Australia questioned the need for this prolonged detention, saying: “I think people should not be held in detention for any longer than four months at the most for basic checks. It’s much cheaper for us to keep people in community areas... I would like to see big savings of money for people not being caged up in detention centres. It is costing us billions of dollars a year to keep people in detention and destroy them mentally and physically.”

Several participants also advised that they believed that, as no RSD was underway, people were being detained arbitrarily and, consequently, unlawfully.
Treatment in detention

People regularly visiting immigration detention and working with asylum seekers in community advised that clients often spoke about their belongings being lost or stolen in immigration detention. RCOA was advised that the processes to record items and to request the return of items was insufficient and had led to many people losing their property. Items lost included identity documents, sentimental belongings, jewellery, children’s clothing, money and records of qualifications. The loss of these belongings not only demonstrates the inadequacies of the systems but also does not respect the dignity and needs of people subject to immigration detention.

Several consultation participants also shared their concern about the perceived deterioration in treatment by Departmental officials and contracted service providers, with many participants believing that the decline was a direct result of the negative political rhetoric and language. One person shared her experience of working with people detained, saying:

One man told me that his case manager said: ‘You will never see the colour of Australia.’ The man replied: ‘I will hold on to my hope.’ They [asylum seekers detained] are hearing these messages every second week. Case managers only call up the men to tell them that they will never get a visa.

Other consultation participants agreed that some Departmental officials and contracted service provider representatives treated people detained with suspicion and disdain. Of concern again this year was the use of boat identification (ID) numbers by services in some detention facilities. As one Iraqi man revealed: “People are known by a boat ID. This does not respect their dignity. If you don’t tell people your boat ID, they don’t know who you are” An Iranian man continued, saying: “It’s a kind of discrimination, I think, to address these people by their boat ID, because they have a name.” Another community member agreed: “When you make an inquiry with the Immigration Department... the first thing they ask for is your boat ID. I think this has become not human any more.” A Hazara man said: “The way they use the boat ID, it is like a licence plate number. It is very sad to see a person called by what is almost the plate number of a car.”

Several community groups advised that documents from legal representatives sent to clients in immigration detention were routinely opened and sometimes photocopied by detention guards. Participants were disturbed by this clear breach of legal privilege.

Re-detention

While little detail was known, many people at the consultations had heard rumours about the possibility of people being re-detained because of negative decisions in their refugee status determination process or because of perceived breaches of the then planned behavioural code. There was a strong recommendation that the Government reconsider this approach and that re-detention not be contemplated where reasonable alternatives remain. Consultation participants raised the traumatising impact of re-detention after people had been living in the community for long periods, with one service provider reflecting: “Re-detaining is appalling and logistically difficult. ... It is the saddest thing. What are we creating? Thousands of traumatised people.” There was particular concern for people with severe mental health issues and trauma histories being re-detained. The cost and logistics of re-detaining people and holding them in detention indefinitely was another reason given to reconsider this punitive approach.

Monitoring

Several agencies and community groups reported on a troubling shift in the monitoring of incidents in immigration detention. Several people from Darwin expressed their concern about the treatment of children detained in the various facilities in the Northern Territory, and advised that attempts to have the NT Families and Children’s Child Protection Branch visit the detention facilities and meet with children and families was stopped by a DIBP official and contracted service providers.
Consultation participants also raised their concerns about the new “Incident Reporting” guidelines for Serco, the contracted service provider for immigration detention. The changes, made in March 2013 under the Gillard Government, removed the recording requirements for births in detention, clinical depression and downgraded acts of self-harm from critical to major (while removing serious attempted self-harm incidents as a category to be recorded). The removal of “unlawful detention” as a category to be reported is also worrying given the concern among agencies that there is a high risk that people are being held arbitrarily and therefore unlawfully.

**Children in detention**

Consultation participants expressed dismay that children continue to be detained in closed facilities, often in remote locations. As at 30 November 2013, 990 children were detained in Australian immigration detention facilities on the mainland and on Christmas Island. Participants were concerned for the welfare of children in all detention facilities, with particular concern for the schooling needs of children detained on Christmas Island and in facilities in Western Australia. The Australian Government is obligated to ensure that children attend school but community groups and service providers advised that children were not attending school but instead were being offered haphazard activities inside detention centres.

For children who were able to attend school outside of facilities, consultation providers advised that the children’s lunch boxes and bags were searched every day before they were permitted to re-enter the detention facility. This is one example of how even children are treated with suspicion and subject to unnecessary searches.

**5.7.2 Refugees with adverse security assessments**

The situation for people found to be owed Australia’s protection but given adverse security assessments by the Australian Security and Intelligence Organisation (ASIO) and therefore detained indefinitely was identified by consultation participants as a critical issue. There was concern for the plight of these 50 men and women and the children that also remain in immigration detention because of the assessments, as some of the men were entering their fifth year of detention. Several consultation participants highlighted this year’s findings of the United Nations Human Rights Committee, whereby Australia was found to have made 143 serious violations of international law by indefinitely detaining 46 refugees for four years. The UN Committee found that Australia breached its obligations under the *International Covenant on Civil and Political Rights* (ICCPR), with 46 cases of illegal detention, 46 cases of no effective remedies for this illegal detention and 46 cases of inhuman or degrading treatment in detention. The UN Committee directed Australia to provide the refugees with an effective remedy, including release from detention on appropriate conditions, rehabilitation and compensation. It also asked Australia to review its migration laws to prevent future violations.

Consultation participants were concerned about these breaches of international law. Many recommended that the Australian Government restore the rule of law, in line with the recommendations of the UN Human Rights Committee.

**5.7.3 Returns**

Several service providers and community representatives shared their concerns about the return processes from Australia to countries of origin. Several people questioned the nature of voluntary return, worried that people felt coerced into returning even if their lives may be in danger. Many were also troubled that return options were presented on a regular basis without giving opportunities for the assessment of protection claims. Several community members from Iran and Sri Lanka spoke about the procedures in place in those countries for people who did return, either voluntarily or were deported. Iranian community members noted that people who returned to Iran would not necessarily be arrested immediately on return; rather, they would be pursued by the state one to three months after their return. One Iranian man asked: “How long will Australia check on people after they return?”
Many Sri Lankans community members shared their fears for family friends and countrymen returned involuntarily, with one Tamil man commenting: “Returnees are only confronted and punished when they arrive back in their village. It is not when they arrive in Colombo airport.” Concerns over safety extend well past the arrival date, and consultation participants questioned Australia’s willingness or ability to ensure that people remained safe from persecution and danger.

5.8. RECOMMENDATIONS

5.8.1. Australia’s current asylum policies

Recommendation 19
RCOA recommends that the Australian Government streamline and consolidate existing support programs for asylum seekers into a holistic, consistent and client-driven service delivery framework, based on the following core principles:

a) a central focus on the needs of the asylum seeker;
b) equal access to services and support regardless of status or mode of arrival;
c) maximising social engagement through providing support with orientation, English language tuition, education and employment;
d) a focus on early intervention to ensure the best outcomes for asylum seekers;
e) safeguards to prevent destitution and ensure resolution of all cases;
f) basing support services on existing service delivery platforms (such as Medicare and Centrelink) where possible, to avoid unnecessary administration and duplication; and

g) regular communication and sharing of information among all departments, agencies, organisations and communities working with asylum seekers.

Recommendation 20
RCOA recommends that the Australian Government review and streamline transition processes for refugees and asylum seekers moving through various stages of status assessment, with a particular focus on supporting vulnerable groups such as long-term detainees and unaccompanied minors.

Recommendation 21
RCOA recommends that the Australian Government take steps to enhance communication between government departments, service providers and individual refugees and asylum seekers on current and planned policies and their implications.

5.8.2. Asylum seekers in the community

Recommendation 22
RCOA recommends that the Australian Government, as a matter of urgency, renew the Bridging Visas of asylum seekers living in the community.

Recommendation 23
RCOA recommends that the Australian Government grant work rights to asylum seekers and enable them to have access to employment support services, to maximise the opportunities for asylum seekers to be self-supporting while their status is resolved.

Recommendation 24
RCOA recommends that the Australian Government, in consultation with relevant service providers, develop a strategy to support capacity-building among groups providing support to asylum seekers in the community.

Recommendation 25
RCOA recommends that the Australian Government abandon its unnecessary and duplicative new Code of Behaviour for Bridging Visa E holders and refrain from imposing sanctions (such as a reduction in income support or re-detention) on asylum seekers without due process.

**Recommendation 26**
RCOA recommends that the Australian Government:
- a) provide further information about the proposed mutual obligation scheme for Bridging Visa and Temporary Protection Visa holders in receipt of income support; and
- b) adopt a reasonable and flexible approach to implementation of the proposed mutual obligation scheme which avoids imposing conditions that are unrealistic, unnecessarily onerous or which may interfere with successful settlement in Australia.

**Recommendation 27**
RCOA recommends that the Australian Government reverse its decision to reduce Asylum Seeker Assistance Scheme payments for young people aged 18 to 21 and ensure that they have full access to the Community Assistance Support Program.

**Recommendation 28**
RCOA recommends that
- a) meaningful educational opportunities be made available for asylum seekers in closed and community detention and asylum seekers living in the community on Bridging Visas; and
- b) English language classes for asylum seekers be expanded to 510 hours, commensurate with the Adult Migrant English Program (AMEP) to ensure that asylum seekers can communicate effectively while living in the Australian community.

### 5.8.3. Offshore processing

**Recommendation 29**
RCOA recommends that the Australian Government abandon offshore processing of asylum seekers arriving by boat.

**Recommendation 30**
Should the above recommendation not be implemented, RCOA recommends that the Australian Government:
- a) work with the Governments of Nauru and PNG to:
  - i. end the arbitrary and indefinite detention of asylum seekers in offshore processing facilities;
  - ii. expedite the processing of asylum claims and address identified deficiencies in the Refugee Status Determination process, including those related to information for applicants, legal advice and representation;
  - iii. address shortcomings in the physical conditions in offshore processing facilities, particularly in relation to appropriate accommodation and access to healthcare;
  - iv. establish independent advisory bodies in both countries to monitor status determination and resettlement processes and conditions in offshore facilities; and
  - v. develop clear guidelines to govern the treatment and care of asylum seekers subject to offshore processing, in line with international human rights standards, and establish mechanisms through which asylum seekers can seek resolution of or redress for any breaches of these guidelines.
- b) cease the transfer of all children and young people to offshore processing centres; and
- c) revise the current pre-transfer assessment process to enable to identification and exemption from transfer of individuals who are potentially vulnerable, whose needs cannot be met offshore and/or whose well-being would be compromised by transfer to an offshore processing facility.
Recommendation 31
RCOA recommends that the Australian Government abandon the Regional Resettlement Arrangement with PNG, in light of the inability of PNG to provide sustainable protection and support to refugees on a permanent basis.

5.8.4. Refugee Status Determination and legal aid

Recommendation 32
RCOA recommends that the Australian Government restore a single statutory system of onshore processing for all asylum seekers, regardless of their mode of arrival.

Recommendation 33
RCOA recommends that the Australian Government, as a matter of urgency, recommence the processing of asylum claims in Australia.

Recommendation 34
RCOA recommends that the Australian Government ensure that all asylum seekers are eligible to apply for assistance under the Immigration Advice and Application Assistance Scheme, regardless of their mode of arrival.

5.8.5. Temporary Protection Visas

Recommendation 35
RCOA recommends that the Australian Government abandon the reintroduction of Temporary Protection Visas and convert Temporary Protection Visas granted to date into permanent Protection Visas.

Recommendation 36
Should the above recommendation not be implemented, RCOA recommends that the Australian Government grant Temporary Protection Visa holders access to:
   a) the full suite of settlement services available to permanent humanitarian visa holders, including English language tuition;
   b) health, education and social support services at a level commensurate with permanent residents of Australia;
   c) opportunities to sponsor family members for resettlement in Australia and to travel overseas with right of return, in line with opportunities accorded to permanent humanitarian visa holders; and
   d) the opportunity to apply for permanent residency upon expiry of their Temporary Protection Visa.

5.8.6. Children and unaccompanied minors in the community

Recommendation 37
RCOA recommends that the Australian Government amend the Immigration Guardianship of Children Act 1946 to remove the Minister for Immigration's status as legal guardian for the unaccompanied minor asylum seeker children and legislate an alternative guardian held at a Federal ministerial level.

Recommendation 38
RCOA recommends that the Australian Government, in consultation with State and Territory Governments:
   a) develop a national strategy for the care and support of unaccompanied minors; and
b) explore options for delaying of discharge from care of asylum seeker young people aged between 18 and 21 who have ongoing care requirements.

5.8.7. Other asylum policy issues

Recommendation 39
RCOA recommends that the Australian Government, in recognition of the proven benefits of community-based alternatives over closed immigration detention:
   a) use immigration detention only as a matter of last resort and give priority to finding community-based alternatives for all asylum seekers currently in closed immigration detention;
   b) refrain from re-detaining asylum seekers awaiting a resolution of their status unless absolutely necessary on the grounds of health or security risks; and
   c) ensure that appropriate services, living conditions, healthcare and activities be provided to all people who remain in closed detention

Recommendation 40
RCOA recommends that the Australian Government release all children from closed detention as a matter of urgency, including unaccompanied minors held on Christmas Island.

Recommendation 41
RCOA recommends that the Australian Government abide by its legislative requirement to ensure all children within its jurisdiction are enrolled in school, including children held in Western Australian and Christmas Island immigration detention facilities.

Recommendation 42
RCOA recommends that the Australian Government amend its contracts with service providers in immigration detention facilities to ensure all critical information is recorded and reported to Parliament on a regular basis.

Recommendation 43
RCOA recommends that the Australian Government respond to the findings of the UN Human Rights Committee and work towards resolving the situation of refugees subject to adverse security assessments by:
   a) establishing a statutory review mechanism for security assessments made in relation to Protection Visa applicants; and
   b) exploring alternative community-based arrangements to prolonged indefinite detention.

Recommendation 44
RCOA recommends that the Australian Government ensure that its asylum and immigration detention policies and processes enable families to remain together and separated family members to reunite. To this end, RCOA recommends amending the current practices of:
   a) separating pregnant women from spouses and other children when transferring from Christmas Island or Nauru to the mainland for perinatal care;
   b) separating family members to different offshore processing centres depending on date of arrival; and
   c) maintaining the separation of family members across offshore processing centres and on mainland Australia, both in closed detention and in the community.
6. SETTLEMENT ISSUES

At this year’s community consultations, a large amount of feedback was given on settlement challenges, service responses and recent changes to the machinery of government. While settlement issues were not a specific focus in the themes and questions that informed these consultations, the sheer volume of feedback highlights the ongoing challenges refugee and humanitarian entrants face (regardless of how they made their journey here) in rebuilding their lives and settling in. It also suggests that, while much of the public debate and policy focus remains on asylum issues, much still could be done to ensure refugee and humanitarian entrants are able to plan, participate, connect and succeed in their new lives in Australia.

6.1. KEY SETTLEMENT CHALLENGES

While there were many single issues raised by consultation participants – many of which will be taken up in different ways by RCOA – the key settlement challenges that were spoken about in a number of locations and by different people focused on employment, education, housing, health, and particular challenges facing young people, women at risk and people with a disability.

6.1.1. Employment

As in previous years, a significant amount of feedback was received on employment-related issues reflecting the key role played by employment in the settlement process. Again, many refugee community members across the country spoke of the frustration and disappointment of not being able to gain access to the Australian labour market or fully apply their skills, experience and determination in the workplace.

One issue mentioned in a number of consultations was the lack of recognition by Centrelink of volunteering as a valid participation activity and the potential volunteering provides for people to gain Australian work experience, transferrable skills and, importantly, confidence. Refugee women who were involved in a community garden initiative in Werribee, for example, spoke about the important role played by this volunteer program: “If the Government and Centrelink recognise what we are doing here, we are more than happy to do this because we cannot get a job here.”

The need for more targeted employment transition programs that involve training, orientation, work experience and case management support to employees and employers was identified as a priority. Consultation participants noted that the Migrant Communities Employment Fund (announced by the Labor Government in July 2013) offered opportunities to partly address this need but expressed fears that this funding might not proceed under the Coalition Government. The announcement that the program would be cut was announced as part of the Mid-Year Economic and Fiscal Outlook 2012-13 Economic Statement on 17 December 2013. A number of refugee community members advocated for more support for refugees to start their own businesses, saying that there were market niches that humanitarian entrants were well-placed to fill, such as growing speciality foods and handicrafts. However, they struggled to meet all the legal and start-up requirements of operating a small business in Australia.

Finally, concerns were raised in both regional and metropolitan locations about humanitarian entrants engaging in precarious employment, with poor conditions, very low pay (rates of between $6 and $10 per hour) and reports of exploitative practices. While it was understood that many people are so desperate for work and are under enormous pressure to earn money quickly to support their families and repay debts that they choose to accept these conditions, it was also suggested that many are unaware of their rights, feel powerless to advocate for better working conditions and are easily able to be exploited by unscrupulous employers.

6.1.2. Education

Some of the key education challenges that were highlighted this year included: challenges meeting the learning needs of young people with disrupted education, lack of planning and communication
between State and Federal education departments to adequately resource schools to meet the learning and support needs of new arrivals, and particular concerns about the lack of education and training pathways for post-compulsory school age young people (including inconsistency in policy and practice in allowing young people over 18 to enrol in schools). In Victoria, concerns were raised about students not accessing intensive English language schools and going straight into mainstream schools, although it was unclear whether this was due to choice or lack of spaces in intensive English programs.

6.1.3. Housing

Issues of housing affordability, scarcity, accessibility and appropriateness were raised in consultations across the country. Some recurrent issues concerned the lack of appropriate and affordable housing for increasing numbers of larger families (with eight or nine members) arriving through the offshore program and issues facing single men in share houses (largely coming through the onshore program).

6.1.4. Health

Two key health-related concerns were raised in many consultations this year. One was the continuing problem of many medical specialists and general practitioners refusing to use interpreters. As one service provider in regional Victoria said: “Their excuse is that they haven’t got the time. It doesn’t seem to trouble them that they may not be providing patients with proper diagnoses.” The other issue also related to the need for accessible and culturally appropriate mental health services (rather than specialist torture and trauma counselling) targeting refugee communities. A number of consultation participants spoke about the sustained pressure and uncertainty facing asylum seekers, refugees and other humanitarian entrants with regard to family separation, visa status and economic hardship and the emergence of significant mental illness within communities. Outside of torture and trauma services, there was seen to be a lack of culturally competent mainstream or targeted mental health services.

6.1.5. Young people

A range of concerns about the settlement challenges facing young people were raised in consultations this year. One emerging issue related to financial hardship facing young people who are either repaying debts associated with their journey to Australia or who lack an adequate independent living allowance because they arrived on family stream visas (e.g. orphan or last remaining relative visas). For the latter group, service providers raised concerns about young people who are ineligible for most Centrelink payments for the first two years after arrival and who may be living with sponsors who they have never lived with before. To support themselves when these relationships break down or to repay the costs associated with family migration visa sponsorship, some young people are reportedly engaging in tenuous and exploitative employment arrangements, borrowing money from different sources or withdrawing from education and training pathways in order to earn money. Concern was also raised that many young people are failing to get the support they need and that more youth-specific case management services were required to provide independent and accurate advice and information to young people on work and education options.

6.1.6. Woman at Risk visa entrants

A number of service providers spoke about their concerns that the needs of women and children coming under the Women at Risk program (visa sub-class 204) were not being sufficiently met. With the increase to 20,000 visa places last year, there has been a substantial increase in the number of women arriving on 204 visas with particularly complex issues and without the support network that other families may have. Services also highlighted the lack of resources within settlement services to meet particularly complex needs.
6.1.7. Disability

Service providers in different parts of the country spoke positively about the increase in arrivals with a disability. At the same time, it was noted that disability services were not always well aware or used to working with recent arrivals from a refugee background. As one community member in Tasmania said: “It is good that more refugees with disabilities are settling in Australia but there is a problem with the lack of cultural awareness of disability service providers.”

6.2. SETTLEMENT SERVICES AND PLANNING

Recurring themes in the consultations included the need for better coordination and planning of settlement services across different levels of government, the untapped potential of regional settlement locations and concerns about funding challenges. A concern was also raised about the lack of eligibility to settlement services for people granted onshore permanent Protection Visas.

6.2.1. Coordination and planning between different levels of government

As was the case in previous years, a number of consultation participants raised concerns about the deficiencies in coordination and planning between the different levels of government to enable good settlement outcomes. Gaps that were mentioned related to education, health, housing and employment. As one participant in Geelong argued: “There needs to be more collaboration and communication among state, local and federal governments. We need to think about how the three levels work together.” Mechanisms for communication, coordination and collaboration on settlement needs with local government authorities were identified as a gap and as a potential strategy for improving service delivery.

6.2.2. Settlement in regional areas

A clear and consistent message that came through community consultations this year was the willingness and capacity for greater settlement in regional Australia. Consultation participants in regional centres including Albany, Armidale, Ballarat, Bathurst, Bega, Cairns, Coffs Harbour, Hobart, Launceston, Newcastle, Rockhampton, Wagga Wagga and Wollongong called for more referrals to be made to regional centres. As a consultation participant from Ballarat in Victoria said: “There are other communities like ours that have worked very hard to create a community with a culture of support to give new arrivals the best possible experience and opportunities for settlement. We are here waiting and nothing is happening.”

One of the ongoing difficulties facing regional settlement providers is in maintaining service capacity in the context of wildly fluctuating numbers. Some regional centres had not received any referrals in 2013 while others had been inundated. As one provider described: “For us as a regional settlement service provider, the issue is maintaining capacity and being able to do good community development prior to people arriving.” A clear recommendation was the need for more work on building place-based models of regional settlement. Good collaborative planning between Federal, state and local governments is required to identify potential regional settlement locations and ensure communities are prepared and adequate settlement, employment, education and health services are provided. It was also suggested that regional settlement is more successful when consideration is given to settling a critical mass of families from a particular cultural background to create viable local community support.

6.2.3. Funding and eligibility to settlement services

While resourcing and funding models have long been issues for government-contracted settlement services, particular concerns were raised this year about the funding constraints of the Adult Migrant English Program (AMEP) and Settlement Grants Program (SGP). Consultation participants in different states advocated for the strengthening of the AMEP, as recommended by the Parliamentary Joint Standing Committee on Migration in its Inquiry into Migration and Multiculturalism in Australia. The Committee recommended that:
• the Government “refine the AMEP through the provision of flexible learning times, greater personalisation of services and context-specific language services related to employment and tertiary study, proposing an integrated model that links participants to other educational, skills or community-based activities”; and
• “the Settlement Language Pathways to Employment and Training (SLPET) program be fully embedded within the AMEP model to ensure that all private providers offer 200 additional hours of vocational-specific English training and work-experience placement for clients that have completed over 75% of their AMEP tuition.”\(^\text{29}\)

With regard to the SGP, concern was raised that there will be a surge in demand for SGP services in early 2014 when many of the Refugee Program entrants issued visas as part of the program expansion in 2012-13 are exited from HSS services. As one SGP service provider said: “We should expect a 50% increase in services required but our funding has only increased on a one-off basis by 6%.” Services were also concerned about the lack of information about when the new SGP funding round would be open and whether it would retain its current focus.

There were also suggestions that demand for SGP services would further increase because of the increasing number of people granted onshore permanent Protection Visas who will have received limited or no Humanitarian Settlement Services (HSS) support. The eligibility of Protection Visa holders for the full suite of HSS services was reduced in 2012 but this policy was extended on 31 August 2013 with the Government decision to remove eligibility for HSS support for all Protection Visa holders who have been living in the community on Bridging Visas or in community detention prior to their visa grant. In consultations it was felt that many people would miss out on a range of important settlement information and support that is provided under HSS to new arrivals, and that this will have a longer-term impact on people’s ability to settle effectively in Australia. Refugees transitioning from community detention on to a permanent visa were seen as particularly at risk, as they have not had experience navigating the Australian housing market, searching for work or enrolling in education and training. Many who are granted permanent Protection Visas have also been living in uncertainty for long periods of time. Even after they receive the certainty of a permanent visa, they need support to adjust and begin their settlement process. Commenting on people living in the community for long periods before being granted protection, one service provider warned: “They can’t cope any more. They have been struggling through all these years and now there is a crash.”

Another funding issue raised was the lack of resources and support for refugee community organisations to work effectively. As one community leader in New South Wales said: “I have difficulty speaking and writing in English. I’m seen as a leader and the people are looking to me. I don’t have the support. Community organisations should support us to look at our goals and what we want to do as a community. We can solve problems within our community but we need support to do it. We are already providing a lot of assistance to people in the community and working hard but we aren’t being supported to do it.” This concern was raised just prior to the announcement in December 2013 that funding through the Building Multicultural Communities Program (BMCP) was to be cut, further limiting the funding sources available for communities to develop viable support structures.

6.3. CHANGES TO THE MACHINERY OF GOVERNMENT

Details concerning changes to machinery of government after the Federal election were still being clarified during consultations for this submission. Some of the questions or concerns raised reflected the uncertainty that such significant changes bring. Questions, comments and concerns from consultations participants in different parts of the country included:
• Uncertainty about the move of settlement services to the Department of Social Services (DSS) and how this will be implemented. Many consultation participants saw this as a positive move as

it could enable better links between settlement and mainstream services with one consultation participant noting: “It could be positive in that it will be easier to advocate for refugees to be included in mainstream social services now that they all fall under the same department.” However, others saw the need for strategic advocacy within DSS to ensure that refugees are well supported by other DSS-funded services.

- Whether the AMEP would change focus with its shift to the Department of Industry, with strong support for the AMEP to retain its funding and focus.
- Concern about the move of AusAID to the Department of Foreign Affairs and Trade, and how this will impact on Australia’s overseas aid commitment and contribution to reducing refugee flows overseas through strategic humanitarian, emergency and refugee programs and applying elements of conflict prevention and management, peace building and post-emergency recovery and reconstruction.
- Concern about the significant cost of changing the name to the Department of Immigration and Border Protection and the negative message inherent in the Department’s change of name, shifting the focus from the pathway to citizenship to a focus on border control.
- Concern about the separation of services for asylum seekers and refugees across two different departments and how smooth transitions will be facilitated.
- Support for acknowledgement of, and adherence to, the National Settlement Framework in all of the changes to the machinery of government.

6.4. RECOMMENDATIONS

**Recommendation 45**
RCOA recommends that the Australian Government develop a new regional settlement strategy, assessing potential and established regional areas as settlement locations, working with regional providers to plan and prepare for new humanitarian settlers, and ensuring sufficient numbers of referrals are made within each intake year to retain capacity and momentum in regional settlement locations.

**Recommendation 46**
RCOA recommends that funding to the Settlement Grants Program be increased in proportion to projected increases in need resulting from the 2012-13 expansion of the Refugee and Humanitarian Program and the reduced eligibility to Humanitarian Settlement Services for people granted Protection Visas.

**Recommendation 47**
RCOA recommends that the Federal Government develop a plan for ensuring smooth transitions between services for asylum seekers funded by the Department of Immigration and Border Protection and services for Refugee, SHP and Protection visa holders funded by the Department of Social Services (DSS), as well as transitions between settlement services and mainstream services funded within the DSS portfolio.

**Recommendation 48**
RCOA recommends that the Australian Government implement the Parliamentary Joint Committee on Migration’s recommendation, in its Inquiry into Migration and Multiculturalism in Australia, that the Adult Migrant English Program (AMEP) be expanded and enhanced, including through embedding the Settlement Language Pathways to Employment and Training program within the AMEP model.

**Recommendation 49**
RCOA recommends the Department of Health increase funding for targeted and culturally sensitive mental health programs for refugee communities.
7. APPENDICES

7.1. CONSULTATION LOCATIONS

<table>
<thead>
<tr>
<th>Capital city</th>
<th>Regional</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT Canberra (2)</td>
<td>Newcastle (2), Wagga Wagga (2), Wollongong (2), <em>Regional NSW teleconference</em></td>
</tr>
<tr>
<td>NSW Auburn (2), Cabramatta (2), Sydney CBD</td>
<td>Regional <em>NSW teleconference</em></td>
</tr>
<tr>
<td>NSW Newcastle (2), Wagga Wagga (2), Wollongong (2), <em>Regional NSW teleconference</em></td>
<td></td>
</tr>
<tr>
<td>NT Darwin teleconference</td>
<td></td>
</tr>
<tr>
<td>QLD Brisbane (3), Logan (2)</td>
<td>Regional Queensland teleconference</td>
</tr>
<tr>
<td>SA Adelaide (2)</td>
<td></td>
</tr>
<tr>
<td>TAS Hobart (3)</td>
<td>Launceston (2)</td>
</tr>
<tr>
<td>VIC Melbourne CBD (2), Broadmeadows (2), Sunshine (2), Dandenong (2), Werribee, Whittlesea, Shepparton (2), Geelong (2), <em>Regional Victoria teleconference</em></td>
<td></td>
</tr>
<tr>
<td>WA Mirrabooka, Cannington (2)</td>
<td>Regional WA teleconference</td>
</tr>
</tbody>
</table>

7.2. ORGANISATIONS CONSULTED

The following is a list of the organisations and community groups which participated in RCOA’s national consultations or contributed ideas directly. The organisations which hosted consultation gatherings or teleconference hubs are *italicised*.

4walls Ltd (Qld) | Australian Myanmar Friendship Association (Qld)
Access Community Services (Qld) | Australian National University (ACT)
ACT Mental Health Community Care (ACT) | Australian Red Cross (NSW, NT, Qld, Vic, WA)
Africa La Gong (NSW) | Australian Refugee Association (SA)
African Communities Council of South Australia (SA) | Ballarat Community Health (Vic)
African Seniors and Elders Club Australia (Qld) | Bathurst Information and Neighbourhood Centre (NSW)
Albany Migrant Resource Centre (WA) | Bathurst Refugee Support Group (NSW)
Albury Wodonga Volunteer Resource Bureau (NSW) | Bridging Visa Social Club (Tas)
AMES (Vic) | Brimbank City Council (Vic)
Amnesty International Australia (Tas) | Brisbane Youth Services (Vic)
Anglicare North Coast (NSW) | Brotherhood of St Lawrence (Vic)
Anglicare Refugee and Migrant Settlement Services NT (NT) | Burmese Community (Qld)
Anglicare Southern Queensland (Qld) | Burundian Association Queensland (Qld)
Anglicare Victoria (Vic) | Canberra Refugee Support (ACT)
Armidale Sanctuary (NSW) | CASE for Refugees (WA)
Association for Services to Torture and Trauma Survivors (ASETTS) (WA) | Catholic Diocese of Maitland-Newcastle, Social Justice Council (NSW)
Assyrian Australian Association (NSW) | Centacare Brisbane (Qld)
Asylum Seeker Resource Centre (Vic) | Centacare Cairns (Qld)
Auburn Diversity Services (NSW) | Centacare South West NSW (NSW)
AusCongo Network (Qld) | Centacare Tasmania (Tas)
Australian Catholic Migrant and Refugee Office (ACT) | Centacare Toowoomba (Qld)
Australian Conference Rally on Kongo (Qld) | Central North Adelaide Health Service - Migrant Health Service (SA)
Australian Hazara Students Group - SHUUA (Vic) | Central Victorian Refugee Support Network (Vic)
Australian Karen Organisation (NSW, Qld) | Centre for Multicultural Youth (Vic)
Child and Adolescent Health - Refugee Health (WA)
Childisholm Centre (Qld)
Christians for Peace (NSW)
City of Casey (Vic)
City of Greater Dandenong (Vic)
City of Greater Geelong (Vic)
City of Wagga Wagga (NSW)
City of Whittlesea (Vic)
Coalition for Asylum Seekers, Refugees and Detainees (WA)
Communicare (WA)
Communify Queensland (Qld)
Community Migrant Resource Centre (NSW)
Companion House (ACT)
Country Fire Authority Victoria (Vic)
Darwin Community Arts (NT)
Diversit (Vic)
Edmund Rice Centre Mirrabooka (WA)
Eritrean Women and Family Support Network (Qld)
Ethnic Council of Shepparton and District (Vic)
Fairfield High School Parents Café (NSW)
Fairfield Migrant Resource Centre (NSW)
FamilyCare (Vic)
Federal Department of Human Services (NSW, Qld, WA)
Foundation House (Victorian Foundation for Survivors of Torture) (Vic)
Goulburn Valley Health (Vic)
Great Lakes Agency for Peace and Development International (NSW)
Greater Shepparton City Council (Vic)
Greensborough Family Relationship Centre (Vic)
Griffith City Council (NSW)
Griffith Neighbourhood House Community Centre (NSW)
Griffith University (Qld)
Harmony Place (Qld)
Headspace (Vic)
Hills Circle of Friends (SA)
Humanitarian Entrant Health Service (WA)
Hunter New England Area Health Service (NSW)
Illawarra Multicultural Services (NSW)
Iraqi Australian Christian Association (NSW)
Iraqi Unity Association (Qld)
Islamic Women's Association of Queensland Inc (Qld)
Jesuit Refugee Service Australia (NSW)
Jesuit Social Services (Vic)
Kardinya Health (Vic)
Katanning Migrant Resource Centre (WA)
Legal Aid NSW (NSW)
Lentara Uniting Care (Vic)
Life Support Ministries (WA)
Life Without Barriers (Qld, SA)
Lutheran Community Care (SA)
Mackillop Family Services (Vic)
Mandaean Synod (NSW)
Marist Youth Care (NSW)
Melaleuca Refugee Centre (NT)
Melbourne Catholic Migrant and Refugee Office (Vic)
Mercy Family Services (Qld)
MercyCare (WA)
Metro Migrant Resource Centre (NSW)
Metropolitan Fire Service Victoria (Vic)
Metropolitan Migrant Resource Centre (WA)
Middle Eastern Communities Council of South Australia (SA)
Migrant Resource Centre of Northern Tasmania (Tas)
Migrant Resource Centre of South Australia (SA)
Migrant Resource Centre of Southern Tasmania (Tas)
Mirrabooka Community Health (WA)
Monash Health (Vic)
MOSAIC - Justice Connect (NSW)
Multicultural Council of Tasmania (Tas)
Multicultural Council of the Northern Territory (NT)
Multicultural Council of Wagga Wagga (NSW)
Multicultural Development Association (Qld)
Multicultural Disability Advocacy Association (NSW)
Multicultural Women's Council of Tasmania (Tas)
MultiLink Community Services (Qld)
Murrumbidgee Medicare Local (NSW)
National Accreditation Authority for Translators and Interpreters (Qld)
National Council of Women Victoria (Vic)
Navitas English (NSW)
Neami National (Vic)
North Coast TAFE (NSW)
North Lake Senior Campus (WA)
Northern Melbourne Institute of TAFE (Vic)
Northern Settlement Services (NSW)
NSW Attorney General and Justice Department (NSW)
NSW Council for Civil Liberties (NSW)
NSW Family and Community Services (NSW)
NSW Police Force (NSW)
NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (NSW)
Orange City Council (NSW)
Parkwood Integrated Services Centre (WA)
Penola House (NSW)
Phoenix Centre (Tas)
In addition, people from more than 35 different national and ethnic groups participated in the consultations, including the Ahwazian, Bhutanese, Burmese, Burundian, Chaldean, Chin, Congolese, Egyptian, Eritrean, Ethiopian, Filipino, Hazara, Iranian, Iraqi, Kachin, Karen, Karenni, Kurdish, Liberian, Mandaean, Oromo, Pakistani, Pashtun, Rohingya, Rwandan, Sudanese, Syrian, Tajik (Afghan) and Turkish communities.
### 7.3 LIST OF ACRONYMS

The following acronyms have been used in this submission:

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMEP</td>
<td>Adult Migrant English Program</td>
</tr>
<tr>
<td>ASAS</td>
<td>Asylum Seeker Assistance Scheme</td>
</tr>
<tr>
<td>ASIO</td>
<td>Australian Security and Intelligence Organisation</td>
</tr>
<tr>
<td>ATCR</td>
<td>Annual Tripartite Consultations on Resettlement</td>
</tr>
<tr>
<td>BVE</td>
<td>Bridging Visa E</td>
</tr>
<tr>
<td>CAS</td>
<td>Community Assistance Support (Program)</td>
</tr>
<tr>
<td>CD</td>
<td>Community detention</td>
</tr>
<tr>
<td>CPP</td>
<td>Community Proposal Pilot</td>
</tr>
<tr>
<td>DIAC</td>
<td>Department of Immigration and Citizenship (Department's former name)</td>
</tr>
<tr>
<td>DIBP</td>
<td>Department of Immigration and Border Protection</td>
</tr>
<tr>
<td>DSS</td>
<td>Department of Social Services</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>HSS</td>
<td>Humanitarian Settlement Services</td>
</tr>
<tr>
<td>IAAAS</td>
<td>Immigration Advice and Application Assistance Scheme</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
</tr>
<tr>
<td>ID</td>
<td>Identification</td>
</tr>
<tr>
<td>IGOC</td>
<td>Immigration Guardianship of Children (Act)</td>
</tr>
<tr>
<td>LGBT</td>
<td>Lesbian, gay, bisexual and transgender</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-government organisation</td>
</tr>
<tr>
<td>PNG</td>
<td>Papua New Guinea</td>
</tr>
<tr>
<td>RCOA</td>
<td>Refugee Council of Australia</td>
</tr>
<tr>
<td>RRA</td>
<td>Regional Resettlement Arrangement</td>
</tr>
<tr>
<td>RSD</td>
<td>Refugee status determination</td>
</tr>
<tr>
<td>SGP</td>
<td>Settlement Grants Program</td>
</tr>
<tr>
<td>SHP</td>
<td>Special Humanitarian Program</td>
</tr>
<tr>
<td>TPV</td>
<td>Temporary Protection Visa</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
</tr>
</tbody>
</table>