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THE SIZE AND COMPOSITION OF THE 2001-2002 HUMANITARIAN PROGRAM

Submission to
the Minister for Immigration and Multicultural Affairs

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1. INTRODUCTION

RCOA represents over 100 organisations and individuals working with and for refugees in Australia and around the world.

The Refugee Council of Australia welcomes the opportunity to have input into the decision making process about the size and composition of the humanitarian program for 2001-2002. Traditionally, preparing the annual submission has been seen as an integral part of the Council's annual program. It has provided the focus for the Council's own consultations with our constituency. These have always been very valuable to the Council and are seen by those who attend as providing a way to engage in dialogue about the operation of the program and have their views about how Australia should respond to the resettlement needs of refugees incorporated into a unified submission.

It has been usual practice for the Refugee Council to present its intake submission about three months before the start of the program year. At this time there is likely to be some indication about how events are unfolding in many of the trouble spots from which the refugees who are likely targets for the program have fled and in the various countries of first asylum.

The requirement that the advice to the Minister on the humanitarian program be submitted early on this occasion has had an impact on the nature of the submission the Council is able to make:

- the Council has not been able to engage in the extensive round of consultations that has traditionally accompanied preparation of intake submissions;
- due to the volatility of the situations with which we are having to deal, it is not possible to accurately predict either the scale or breakdown of the need for resettlement places for a program that will commence in 8 months time and run for a further 12 months thereafter. At the time of writing, there are major developments in the Balkans, the Middle East, Afghanistan and West Africa. How these play out, and what other crises might develop, remain to be seen.

This submission will therefore be very different from past submissions. It will focus narrowly on the size and composition of the humanitarian program, and will not cover the range of issues previously included. It will also, by necessity, be more general in nature. The recommendations it makes concerning the program are based on discussions with UNHCR, analysis of material from a variety of government and non-government sources and the ongoing contact the Council has with agencies and refugee communities.

In essence, this submission should be seen as an addendum to the February 2000 submission. It is the intention of the Council that this submission highlight new issues only. Where it is silent on matters (be they regional or thematic), this means that the Council considers the coverage in the earlier submission to be still current.

Further, it is relevant to state that it is the Council's intention to supplement this submission at a later date with a report examining Settlement Services in Australia. This report will be based on both research and extensive consultations around Australia and will be written:

- as a contribution from the community sector to the international conference on refugee settlement scheduled to be held in Stockholm in April 2001;
- as a guide for workers and researchers into the theory and practice of settlement service delivery in Australia.

2. SIZE OF THE HUMANITARIAN PROGRAM

The Refugee Council prefaces its recommendations on the size of the humanitarian program for 2001-2002 by reiterating its position that:

- unused places for one program year (be these through a shortfall in visa allocation or non-use of allocated visas) be carried forward into the next program year¹, and noting that the Government has adopted this as policy;
- there be no numerical linkage between the onshore and offshore components of the humanitarian program.²

We are thus approaching the issue of the size of the program from the viewpoint that:

- consideration will be given to the number of humanitarian visas to be issued offshore, uninfluenced by onshore protection visa grants; and
- it is appropriate to begin with a base figure to which is added carry forward from previous year(s).

We will therefore begin calculations with the Government's own base figure of 10,000 offshore visas.

To this must be added the number of unallocated and unused places as per the Government's commitment. Given that we have only just completed the first quarter of the 2000-2001 program year, it is not possible to anticipate accurately the number of places that might be carried forward in to the next program year or, for that matter, how many places from past program years will be used during the current year.

It is recognised, however, that there are a number of reasons (eg the Olympics and IHSS) why the program target for 2000-2001 is unlikely to be exceeded by any great extent so it is reasonable to assume that the 2000-2001 program will be delivered roughly according to planning figures.

This leaves us to consider how the outcomes of past program years will effect calculations for 2001-2002. We know that there were:

- 2,498 unallocated places in 1999-2000 (only 7,502 visas were issued);
- 250 unused visas during the same period;
- 470 unallocated visas in 1998-1999 (9,530 offshore visas were issued).³

¹ Funds are allocated for the program on the basis of planning figures. If these funds are not used in one program year they would be carried forward, not reallocated or returned.

² The **offshore humanitarian program** is a voluntary contribution made by the Australian Government to the work of UNHCR. It also acknowledges the importance placed by communities in Australia on being able to assist their compatriots who are in untenable situations in countries of first asylum and, in certain circumstances, in their country of origin. The **onshore humanitarian program** meets Australia's obligations under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. The cost attached to it should be viewed by the Government in much the same way as are compliance costs associated with other treaties (for example, there is the recently passed biodiversity legislation requiring Environment Australia assessments of all aid projects, not to mention other environmental treaties such as those relating to climate control and elimination of green-house gasses. In the human rights area we have seen the establishment of anti-discrimination boards and the Human Rights Commission to meet compliance obligations. There are also many trade related obligations linked to the WTO and so on).

³ All figures from DIMA.

In other words, there are 3,218 places from these two program years alone that are available for re-allocation, or rather, addition to the base figure of 10,000 places. In other words, it could reasonably be expected that the size of the offshore program for 2001-2002 would be in the order of 13,218 places.

The Refugee Council notes, however, that the coming 18 months will be crucial for the introduction of the Integrated Humanitarian Settlement Strategy (IHSS).⁴ There will be significant changes to service delivery in many locations and thus it would not be responsible to recommend such a large increase to the size of the offshore humanitarian program.

The Refugee Council, therefore recommends that:

- **the offshore humanitarian program for 2001-2002 allow for the issuing of 11,500 visas;**
- **there be a contingency reserve of 3,000 places (covered in part by the 1,718 places that theoretically should have been included in the program - see above).**

The concept of a contingency reserve for the humanitarian program is something that the Council has promoted for some time. We contend that it is a necessary back-up to any program that, by its very nature, has to respond to emergency situations around the world. It is everyone's hope that this would not have to be drawn upon (ie that there are no major emergencies), but just as there is a need for assistance when there is a bushfire or flood, so too should there be a capacity to make an extra response in cases where UNHCR calls for this (as happened in 1995-96 when additional support for Yugoslavia was requested).

The Council notes that there is community interest in the cost of the humanitarian program and a desire by the Government to ensure that the cost associated with the humanitarian program is more than offset by other components of the migration program.

If we assume that the skills program for 2001-2002 will be at a level commensurate with planning figures for 2000-2001 (ie 40,000 places), a conservative estimate of the benefit to Australia of these migrants is \$700 million over the next 5 years.⁵

Next, if we consider the impact of an offshore humanitarian program of 11,500 places (as recommended above), the cost to the tax payer over the same period would be \$245 million.

It is noted that there is also a small net cost associated with the family program (say \$60 million).

On the basis of the above, we can see that Australia still benefits from the overall migration program by almost \$400 million. On this basis alone, the Refugee Council argues that there can be no ethical arguments based on cost to reduce the program below the recommended level.

3. COMPOSITION OF THE HUMANITARIAN PROGRAM

⁴ See Section 4 below.

⁵ Based on figures provided at the October 2000 Ministerial Consultation in Sydney.

Before progressing to consideration of the composition of the 2001-2002 humanitarian program, it is important to stress the following. Given that the consultation process is being conducted so far in advance of the program year, there should be:

- ongoing assessment of the emerging needs for resettlement based on, *inter alia*, consultations with UNHCR, NGOs and community groups;
- sufficient flexibility within the program to enable it to be responsive to the evolving world situation.

3.1. Sectoral Composition

Recognising that the Special Assistance Categories have effectively been phased out and therefore there is a need to compensate for this:

The Refugee Council recommends that the humanitarian program be made up of, *inter alia*:

- **at least 5,000 places for refugee visas (with a minimum of 10% for women at risk);**
- **at least 1,000 places for people in circumstances that would otherwise have been accommodated by the Special Assistance Categories, in particular people who are still in their country of origin and who are facing severe human rights abuses.**

3.2. Regional Composition

REGION	% OF TOTAL	ISSUES FOR CONSIDERATION
EUROPE	30%	<p>FEDERAL REPUBLIC OF YUGOSLAVIA</p> <p>October 2000 saw dramatic developments in the Federal Republic of Yugoslavia (FRY), the full impact of which remains to be seen.</p> <p>At the beginning of the month, the stalemate that followed the September presidential poll was ended by popular passive resistance and the quiescence of the army and police. Poll winner, Vojislav Kostunica was able to assume the role of president, replacing long-time Balkan strongman and indicted war criminal, Slobodan Milosevic.</p> <p>The new regime has been embraced by the west, with the sanctions being lifted and Kostunica being feted on his international excursions.</p> <p>The lifting of the sanctions will undoubtedly have an impact on the economy of the country which was nearing rock bottom. Increasing numbers of formerly comfortable people were falling below the poverty line and basic commodities such as milk, oil and flour were becoming progressively harder to obtain.</p> <p>The damage done during the last decade will not, however, be overturned overnight. It is important too:</p> <ul style="list-style-type: none"> • not to overlook the significant numbers of people who became

	<p>enormously wealthy during the Milosevic era and who will be reluctant to relinquish their control over business (legitimate and otherwise) and industry;</p> <ul style="list-style-type: none"> • not to forget that Kostunica is a professed nationalist who sees the return of Kosovo as one of his key objectives. <p>It is far too early to tell what the other partner in the Yugoslav Republic, Montenegro, will do. Montenegro's President Dukanovic is known as a political opportunist who will doubtless weigh up the benefits of staying with the Federation or seceding. Similarly, Serbia's multi-ethnic northern state, Vojvodina, is another "wild card". If Kostunica follows a nationalist path, Vojvodina (with support from Croatia and Hungary) might chose to go its separate way.</p> <p>The second major development in the month of October was the victory of Ibrahim Rugova in OSCE-sponsored local elections in Kosovo. Rugova, while a moderate, is an avowed advocate of independence for Kosovo. His platform, and that of Kostunica, are thus diametrically opposed.</p> <p>The impact these developments will have on the ½ million refugees and ¼ million internally displaced persons (IDPs) in the Federal Republic of Yugoslavia⁶ is, as yet, unclear. There are, however, some assumptions that can realistically be drawn:</p> <ul style="list-style-type: none"> • the status of refugees in the community (effectively at the bottom) will mean that they are likely to be the last to benefit from any improvement to the economy; • the period of political and social uncertainty in the immediate future could mean that discrimination and harassment against refugees will increase; • ethnic Serb and Roma IDPs are unlikely to be able to return to Kosovo in the foreseeable future; • certain groups of people (as identified by UNHCR and UNMIK, including ethnic minorities, political activists, perceived/actual KLA evaders) will face ongoing protection problems in Kosovo. <p>On the positive side:</p> <ul style="list-style-type: none"> • the new government in Croatia has undertaken to provide greater assistance to returnees (though translation of national policy to the local level is taking considerable time); • more returns to both Bosnia and Croatia have been possible in the last year than in previous years.⁷ <p>Former Yugoslav refugees in general, and those out of FRY in particular, have for many years formed the largest single component of Australia's resettlement caseload.</p> <p>The fact that the Refugee Council is recommending a reduction in the proportion of the program allocated to this region is driven, in large part by recognition of the increasing need in other regions and not from the belief that the need in the Balkans will drop off dramatically as a result</p>
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⁶ Reference is made to two Refugee Council reports (dated 1998 and 1999) on refugees in the Federal Republic of Yugoslavia which document their status and examine the prospects for local repatriation and local integration and sets out the need for resettlement.

⁷ It is important to note that not all such returns have been successful. There are cases where returnees were denied access to their homes by the people who have been inhabiting them and promised jobs did not eventuate.

of recent events (though acknowledging and hoping that the changes will have a positive flow on to the refugees and IDPs in the long run).

FORMER YUGOSLAV REFUGEES ELSEWHERE

Significant numbers of refugees from the Former Yugoslav Republics remain in most countries in Western and Central Europe. In most instances they have some form of residency (usually temporary) and will be able to either integrate or remain until they return. For most resettlement is not an option unless there are close family ties.

On this point, it is important to note that while these refugees are not seen by UNHCR and resettlement countries as needing resettlement, many of the refugees themselves still believe that they will one day be resettled. This usually unrealistic dream stops them from giving proper consideration to more achievable options. Both resettlement countries and UNHCR have a responsibility to ensure that information about resettlement criteria is disseminated amongst refugee communities - especially those in the more economically depressed parts of Central Europe.

This being said, it has to be stressed that there are some Bosnian refugees in Germany, who despite having been assessed as being in need of ongoing protection, are facing forced repatriation. Such cases are considered in need of resettlement.

EASTERN EUROPE AND THE CIS

The embryonic state of refugee law and the absence of *non-refoulement* provisions in extradition laws of many states in Eastern Europe and particularly in the Commonwealth of Independent States (CIS) means that there are cases of refugees (most not originating from the region but rather from the Middle East and Africa) for whom there are no local options and who are in need of resettlement.

Reference is also made to:

- the ongoing discrimination of Roma and Jews in a number of Eastern European states which can amount to persecution;
- the fact that about 170,000 Chechens are about to face their second winter in appalling conditions in Ingushetia (thousands in tents and makeshift shelters), with the security situation meaning that aid is limited.

RECOMMENDATIONS

The Refugee Council recommends that the resettlement program from the Former Yugoslavia target primarily:

- **Bosnian and Croatian refugees who were displaced from Kosovo;**
- **persons of mixed ethnicity or in mixed marriages;**
- **humanitarian cases in need of special care (Collective Centre residents, ex-detainees, victims of violence, witnesses to the war crimes tribunal);**
- **Bosnian refugees who originated from areas where they will be in the minority on return;**
- **refugees from Kosovo who would face protection problems on return.**

It is also argued that the program should also accommodate in-country humanitarian cases, in particular:

- **Kosovars with links to Australia who have experienced**

		<p>difficulties on return to Kosovo;</p> <ul style="list-style-type: none"> • Bosnians and Croats who have returned to minority areas and are experiencing ongoing harassment and discrimination; • ethnic Serb and other IDPs from Kosovo who have been assessed to be in particularly vulnerable circumstances and/or are torture/trauma survivors. <p>The Refugee Council also recommends that there be provision:</p> <ul style="list-style-type: none"> • to assist Bosnian refugees who have been assessed as being in need of ongoing protection and who are facing forced return; • to accept referrals from UNHCR for resettlement of refugees from/in other parts of Europe and the CIS.
<p>MIDDLE EAST</p>	<p>30%</p>	<p>The continued arrival in Australia of boats of asylum seekers from the Middle East is indicative of:</p> <ul style="list-style-type: none"> • diminishing faith by refugees in Iran of the sustainability of the protection they are receiving; • the high number of individually mandated refugees in the region in need of resettlement; • lack of confidence that the resettlement programs being offered by Australia and other countries will be able to meet these needs; • the poor prospects for voluntary repatriation of refugees to their countries of origin, in particular Afghanistan, Iraq and Iran; • fear (be this objective or subjective) of being forcibly repatriated to the country of origin, sparked by numerous instances of involuntary repatriation from Iran to Afghanistan; • an escalation of the conflict in Afghanistan (see below). <p>The Refugee Council is aware of the Government's efforts to address the root causes of the movement and to improve the protection available for refugees in the Middle East.</p> <p>The Council considers that a fundamental component of this response must be the maintenance of a robust and well-resourced resettlement program in order to demonstrate to those in need of protection that there is a viable alternative to engaging the services of smugglers.</p> <p>In considering the composition of the humanitarian program it is also relevant to consider the following recent developments:</p> <p>AFGHANISTAN</p> <p>The major escalation of fighting in the north between the Taleban and the forces of Ahmad Shah Masood has resulted fears that as many as 100,000 Afghan refugees could try to cross the border in the coming months. Negotiations are underway with Tajik and Russian authorities to secure permission to enter if the predictions are realised.</p> <p>The fighting has also resulted in some 28,000 refugees crossing into Pakistan in the last 2 months (adding to the 80,000 who have crossed since the beginning of the year).</p> <p>Pakistan no longer considers new Afghan asylum seekers as <i>prima face</i> refugees. Limits have been placed on the Afghans freedom of movement and residence in Pakistan as the government has started to</p>

try to control the presence of Afghans in major urban centres.

The situation for Afghan refugees in India has also deteriorated in the last two years, with an increasing number of Afghan refugees being issued with "Leave India Notices" and then being detained and deported. Afghan women are finding it increasingly difficult to achieve a minimum degree of self sufficiency.

ISRAEL-PALESTINE

At the time of writing, the situation in this region is precarious. Efforts to end the six-week long conflict between Israel and Palestine have thus far failed to achieve tangible results and there are daily reports of more casualties on both sides.

The best case scenario is that in the coming days or weeks a negotiated solution acceptable to both parties and the groups within them will be reached. Even if this happens, it has to be acknowledged that the peace process has been set back substantially and the level of trust between the Israelis and Palestinians will be diminished.

The worst case scenario is that the fighting will escalate, engulfing both states and drawing in neighbouring countries.

It is too early to tell how things will play out. The important thing is to ensure that the situation is monitored carefully, all steps are taken to encourage a speedy and peaceful resolution and that contingency plans are made should the situation deteriorate.

ELSEWHERE

The situation elsewhere in the Middle East is very much status quo with respect to refugees. Consequently the Refugee Council makes reference to the regional analysis in its February 2000 submission.

RECOMMENDATIONS

The Refugee Council recommends that the Middle East be retained as a priority region for resettlement and that within the program, the following groups be seen as priorities:

Refugees from Afghanistan:

- security cases who are in need of protection;
- ethnic minorities, in particular Hazaras and Panjshiris;
- women at risk and female headed households in vulnerable situations;
- survivors of extreme violence and/or torture;
- refugees at risk of *refoulement*;
- professionals, intellectual and artists who are perceived as being liberal minded and not supportive of an Islamic State.

Refugees from Iraq:

- vulnerable cases such as women at risk and torture survivors;
- refugees with a high political profile who are at risk in the region;
- newly arrived Iraqi refugees in Kuwait who have pressing protection needs;
- refugees at risk of *refoulement*;
- religious and ethnic minorities;
- residual camp caseloads identified by UNHCR.

Refugees from Iran:

		<ul style="list-style-type: none"> • religious and ethnic minorities who are unable to find durable solutions in the region - especially ex Pakistan and Turkey; • UNHCR referrals from Al Tash Camp; • Iranian refugees in northern Iraq. <p>Turkey:</p> <ul style="list-style-type: none"> • Turkish Kurds with protection needs best met by resettlement. <p>The Refugee Council also reiterates the need to monitor developments in the west of the region and be ready to offer protection through resettlement to those who cannot be protected within the region.</p>
<p>AFRICA</p>	<p>30%</p>	<p>WEST AFRICA</p> <p>The situation in the region is extremely fragile and it is hard to predict how things will develop in the next 12 months.</p> <p>The security situation in Sierra Leone remains dire and there have been repeated setbacks in the implementation of the Lome Peace Accords. Fighting continues in Liberia, in particular in the northern provinces.</p> <p>Both Sierra Leone and Liberia are mounting cross-border incursions in Guinea. The security situation along the border is considered grave, with both refugees (400,000) and the local population being affected. The US Committee for Refugees warned on October 2000 that Guinea is on the brink of civil war.</p> <p>The former regional oasis of peace, Cote d'Ivoire, has seen a rapid deterioration in its economy and stability since the December 1999 coup which installed a military government. This has implications for the refugees from neighbouring countries who have sought sanctuary there.</p> <p>In Nigeria, inter-ethnic fighting in the north has resulted in the displacement of over 20,000 Hausa-Fulani. While there have been some improvements in other parts of the country, political oppression remains a concern.</p> <p>THE GREAT LAKES</p> <p>Efforts to bring peace to this troubled region have been problematic. Both the Arusha Peace Talks on Burundi and the Lusaka Ceasefire Agreement for the Democratic Republic of Congo (DRC) have not been as successful as was hoped.</p> <p>In recent weeks an additional 100,000 refugees from the DRC have flooded into the Republic of Congo, placing an enormous strain on already overstretched support services.</p> <p>Increasing friction between the Burundese refugees and the local population in Tanzania is threatening ongoing protection and is increasing the risk of forced repatriation.</p> <p>The security situation inside much of Burundi remains poor, with limited access by humanitarian personnel. Burundese refugees continue to leave at the rate of about 50 per day.</p> <p>Political instability in Rwanda has disrupted repatriation efforts during</p>

2000. Lack of housing and infrastructure remain a further obstacle to return.

SOUTHERN AFRICA

At the time of writing, some 18,000 Angolan refugees are massing on the DRC border, expected to cross at any time, Once in DRC, they will join 170,000 others who have fled the civil war in Angola which has been raging for 25 years and which has uprooted over 3 million people.

In addition to the refugees in DRC, there are about 200,000 Angolan refugees in Zambia. Aid agencies express concerns about meeting the needs of the 2 million aid-dependent IDPs and refugees.

Increasing tensions in Zimbabwe are leading neighbouring countries to fear the possibility of an exodus in coming months.

THE HORN OF AFRICA

This is the traditional source region for resettlement to Australia and the need for resettlement places remains high.

This is especially the case for refugees from the Sudan where the conflict between the northern Islamic government and the predominantly Christian south continues unabated. Already some 2 million people have been killed and 4-5 million displaced. Women and children are being forced into slavery and mass starvation is being used as a weapon of war. Widespread discrimination and persecution exists on account of race, ethnicity and religion. The principal victims include the Dinka and Nuer peoples in the south and the Nuba in central Sudan. Fighting during the year caused new outflows of Sudanese refugees into Ethiopia, Kenya and Uganda.

The border dispute between Ethiopia and Eritrea was another significant event in the region during the first half of 2000. One million people were displaced within Eritrea and almost 100,00 fled to neighbouring countries. In Ethiopia, an estimated 350,000 were internally displaced. While the signing of a cease-fire agreement in June brought an end to hostilities, there are still many obstacles to return, not least being landmines and damage to infrastructure.

Meanwhile, screening has commenced in Sudan of the longstanding Ethiopian refugee caseload, many of whom have been in exile for a decade or more.

In Kenya and eastern Ethiopia, deteriorating security in and around refugee camps has been a cause of concern. So too has been a resurgence of rebel activity in the north and western parts of Uganda which has affected refugee camps as well as local communities.

Efforts to broker peace between the warring clans in Somalia had varied success during the year and some repatriation was possible, most notably that of some 18,000 refugees who returned from Ethiopia to the north east of Somalia. War and drought significantly hindered repatriation from Eritrea and the numbers returning from Kenya remain small, with resettlement still seen as being an important solution for many Somali refugees.

RECOMMENDATIONS

The Refugee Council of Australia recommends that Australia's resettlement program for Africa:

- **be increased in number in recognition of the increase in need for resettlement places from Africa;**

- increase its geographical spread in response to UNHCR's calls for diversification of the African caseload;
- explore new partnerships to facilitate identification of vulnerable groups and individuals in areas where the Australian Government does not have an active presence;
- be sufficiently flexible to accommodate the highly volatile nature of this region and the possibility that new resettlement caseloads could emerge during the program year;
- devote at least 10% of the places for refugees determined to be "at risk" and that further efforts be made to expedite processing of such cases.

Further, the Refugee Council recommends that the program target:

Refugees from Somalia, especially:

- Somalis of Bantu origin from Dadaab camp;
- Other Somalis groups in Africa (Ethiopia, Kenya, Egypt, Djibouti and elsewhere) on a case by case basis, with a particular focus on female headed households and other at-risk groups;
- Somali refugees outside Africa (eg Yemen, Russia and SW Asia) who have no local protection.

Refugees from Sudan, especially:

- Southern Sudanese from Kakuma and Dadaab camps, in particular Women at Risk who are facing gender-related persecution in the camp and young males;
- Sudanese from elsewhere in Kenya (urban cases) who are deemed to be at risk eg women headed households, young people being forced into early marriage, women at risk, security cases etc;
- Sudanese - both Christians and Muslims - in Egypt who meet the Convention definition and are in unsustainable situations due to risk of refoulement and poor prospects for local integration;
- Sudanese refugees in Uganda who have a political profile and whose security is in jeopardy because of the proximity to Sudan, plus refugees with special needs;
- at-risk cases who are in unsustainable situations in Ethiopia;
- Sudanese refugees who are in other parts of Africa, plus at-risk cases in the Middle East and SW Asia.

Refugees from Ethiopia, in particular:

- Oromo refugees in Kenya who are neither safe in the camps nor in Nairobi. Many are survivors of torture and extreme violence;
- refugees in Kenya who are human rights advocates;
- Ethiopians of Eritrean origin who are now stateless;
- long term Ethiopian refugees in Sudan for whom repatriation is determined not to be an option and who are unable to integrate locally;
- high profile Ethiopian refugees in South Africa who face security risks.

Refugees from Eritrea:

Resettlement needs are great as they were, however places might be required for those in mixed marriages.

		<p>Refugees from Sierra Leone, in particular:</p> <ul style="list-style-type: none"> • victims of extreme violence and torture, including those for whom no adequate medical or psychological support is available; • those who face protection or security problems as a result of their actual or perceived political opinion (eg suspected RUF rebels). <p>Refugees from Liberia, in particular:</p> <ul style="list-style-type: none"> • women at risk and other special needs groups; • former military personnel. <p>Refugees from Burundi, in particular:</p> <ul style="list-style-type: none"> • refugees of mixed ethnic origin who are threatened by other Burundese refugees; • refugees in Tanzania who are being harassed by authorities and/or are at risk of refoulement; • Burundese refugees in Rwanda where the protection situation is precarious and there is a permanent threat of refoulement; • at-risk cases, in particular those in Kenya and South Africa. <p>Refugees from Rwanda, in particular:</p> <ul style="list-style-type: none"> • refugees who face security threats from within their own communities or from infiltrated Rwandese agents (in particular in Kenya and South Africa); • refugees who have given evidence to the war crimes tribunal and are being threatened because of this; • Rwandese of mixed ethnic origin. <p>Refugees from DRC, in particular:</p> <ul style="list-style-type: none"> • human rights advocates and those with a political profile; • Congolese of Tutsi origin; • refugees who have been in exile for many years and who have not been able to integrate successfully. <p>Refugees from Angola, in particular:</p> <ul style="list-style-type: none"> • refugees with a political profile who cannot be protected in the border camps; • at-risk cases. <p>It must be noted that the above list is not exhaustive and that there are refugees from many other countries in Africa (eg Nigeria, Cote d'Ivoire, the Republic of Congo, Chad and Algeria), small numbers of whom are in need of resettlement.</p> <p>The Refugee Council also reiterates the need to monitor the situation in Zimbabwe and Guinea closely and be ready to respond if conflict erupts and there are people whose protection needs can best be met through resettlement.</p>
OTHER	10%	<p>SOUTH EAST ASIA</p> <p>The possibility of Balkan-style disintegration of the Indonesian archipelago remains, with ongoing violence in the Moluccas, Aceh and West Papua and a recent resurgence in Kalimantan and Borneo. The various secessionist movements are spawning massive internal</p>

displacement and, in the case of Aceh, an exodus to Malaysia. Should the fears of a major escalation of violence in West Papua be realised, there could also be a sizeable cross border movement into PNG.

The security situation in the West Timorese camps that currently house some 100,000 refugees has deteriorated significantly since the 6th September murders of 3 UNHCR international staff and a number of locals. UNHCR is waiting until it receives a guarantee from the Indonesian Government that the militias will be controlled and humanitarian staff protected before it returns to the territory. At the time of writing, this guarantee had not been forthcoming.

Reports from inside West Timor suggest that the level of intimidation in the camps is increasing and the misinformation campaign aimed at dissuading refugees from returning is continuing. The recent arrests of those implicated in the Atambua killings is thought to be a positive step.

Further to the north, fighting during October between Karen rebels and the Burmese military has seen a renewed exodus of refugees into Thailand, further straining the registration efforts of UNHCR and raising renewed concerns about forced expulsions of unregistered refugees. UN High Commissioner, Sadako Ogata recently visited border camps and declared them amongst the worst she had seen, citing unacceptable levels of overcrowding and poor sanitation. Human Rights groups continue to call for an enhanced UNHCR presence on the border and for enhanced resettlement opportunities for vulnerable cases.

Maneeloy Burmese Student Centre (MBSC) houses some 1,800 refugees. The need for resettlement for this group has increased in the last 12 months due to the incidents at the Burmese Embassy and the Ratchaburi Hospital. Bureaucratic obstacles that previously stood in the way of these refugees leaving Thailand have largely been removed and UNHCR is calling for more support from resettlement countries.

The westward exodus from Burma of religious and ethnic minorities (including Muslims from Rakhine State and Christians from Chin State) has also continued, with renewed influxes into Bangladesh and India. Meanwhile, repatriation from Bangladesh has virtually stalled. Resettlement is seen as important for a small number of cases.

While the days of seeing the Indochinese as a major resettlement caseload are long gone, there are still small numbers of mandated refugees from Laos, Cambodia and Vietnam in the region for whom resettlement places are required.

SOUTH ASIA

The escalation of fighting in Sri Lanka's Jaffna Peninsular this year has led to the displacement of some 160,000 people and has set back reintegration efforts. The 25th October slaying of 29 young Tamil detainees in a Bandarawela rehabilitation centre highlights the risk to certain groups in the community.

Meanwhile, UNHCR still does not have access to the so called "special camps" for Sri Lankans in Southern India, where the conditions are said to be desperate. Sri Lankans in these camps and in urban centres throughout India have been appealing for some time for consideration in resettlement programs.

It is appropriate that small number of Tibetans continue to be considered for resettlement under bilateral and multilateral agreements.

Efforts to pave the way for return of Bhutanese refugees in Nepal have continued with some success, but no resolution, throughout the year. Meanwhile concern mounts that Nepal is at risk of descending into civil war. This is a situation that needs to be monitored closely

Religious and caste discrimination continue in India and Pakistan (see RCOA submission of February 2000). Particular reference is made to ongoing violent attacks and persecution against Ahmadis in Pakistan.

THE PACIFIC

May 2000 saw the overthrow by violence of two democratically elected governments in our immediate region, those of Fiji and the Solomon Islands. In both cases, significant internal displacement resulted and sections of the community remain without access to their former homes and/or source of income.

Early November saw new violence erupt in Fiji, leaving the situation at the time of writing unclear.

As worrying as these developments are, they also have broader implications for the region as a whole. There are a number of states where democracy is still a fragile concept and its overthrow in the country considered to be the most stable, is a dangerous precedent.

LATIN AMERICA

Renewed fighting between paramilitaries and FARC in Colombia has seen thousands of refugees stream into Ecuador and Venezuela since September. Both countries have expressed concern about supporting and protecting the refugees, the latter made more difficult by the presence of agents of persecution amongst the refugee communities.

Peru's plans for sweeping amnesties for those implicated in human rights abuses is sending waves of fear throughout the country. A reformer spy-chief, who was until recently seeking asylum in Central America, has returned to take up a senior government position. Peruvian agents, like those of Colombia, are also known to operate outside the country.

RECOMMENDATIONS

The Refugee Council recommends that the humanitarian resettlement program include:

Refugees from Burma, in particular:

- **students from the safe camp;**
- **especially vulnerable cases from the Thai-Burma border;**
- **linked cases from Malaysia, Bangladesh and India.**

Refugees and IDPs from Indonesia, with reference to:

- **UNHCR referrals of Acehenese ex Malaysia;**
- **protection cases from elsewhere in the archipelago (including in-country);**
- **at-risk cases from any future outflow to Papua New Guinea.**

Refugees from Indochina:

- **consideration of those who have been mandated as refugees and for whom UNHCR is promoting resettlement.**

IDPs and refugees from Sri Lanka, with reference to:

		<ul style="list-style-type: none"> • at-risk cases from within Sri Lanka for whom there is no internal flight option; • linked cases and referrals from human rights organisations from India. <p>Vulnerable Cases on the Indian Subcontinent, including:</p> <ul style="list-style-type: none"> • supporting religious minorities inside Pakistan who are facing persecution by granting in-country humanitarian visas; • giving similar consideration to vulnerable individuals in India for whom internal flight is not an option; • retaining a small program for referred Tibetan refugees. <p>Refugees and IDPs in Latin America, in particular:</p> <ul style="list-style-type: none"> • those with a high political profile; • victims of torture; • women at risk; • human rights activists. <p>The Refugee Council also urges that there be careful monitoring of the situation in the Pacific and that should the need arise, there be a willingness to resettle at-risk or vulnerable cases.</p>
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It is reiterated that in the above, the Refugee Council is recommending a significant shift in the regional composition of the humanitarian program. In recent years the shift towards that we are advocating has been in evidence:

	1997-98 Grants⁸	2000-2001 Allocation	RCOA Recommendation
Europe	50%	42%	30%
Middle East	28%	28%	30%
Africa	15%	25%	30%
Other	7%	5%	10%

The reasons for RCOA's recommended regional composition were alluded to in the table but are worth reiterating:

- the need for resettlement places for African refugees has increased significantly in the last 12 months, not so much because any escalation of conflicts (though this has happened in some areas) but more as a result of UNHCR now being better able to assess resettlement needs within refugee populations in Africa.⁹ Further, it becoming increasingly evident that repatriation in the foreseeable future is an unlikely prospect for some refugee populations, for example the

⁸ Approximate percentage breakdown. Figures for 1997-98 and 2000-2001 from DIMA.

⁹ This is an area where UNHCR has long acknowledged a deficiency.

South Sudanese. It is argued that it is important that Australia responds accordingly by diversifying the countries targeted by the program¹⁰;

- the obvious concern about ongoing protection in the Middle East, as evidenced by the number of asylum seekers, dictates that the program for this region must be at the very least, retained at the same level as before;
- the fact that there have been changes in the Balkans that, while they do not remove the need for resettlement places, make it possible to justify a reduction in the program to a level commensurate with that of other major source regions;
- the importance of ensuring that our immediate region is not neglected when considering resettlement. While it is acknowledged that the overall need for resettlement places might not be as great as in other areas, our proximity and the existence of established support networks dictates that Australia should play a leading role in addressing the need that does exist.

4. MANAGEMENT OF THE HUMANITARIAN PROGRAM

Previous intake submissions from the Refugee Council, with particular reference to the February 2000 and February 1999 submissions, have contained detailed sections on the management of the humanitarian program. Given the ongoing applicability of the issues raised in these submissions, it is not intended to go into this issue in detail here but rather to refer back to these submissions and reiterate the need to address the following long-held concerns of the community sector:

- **access difficulties:** in many parts of the world, refugees are still experiencing difficulties either getting to a UNHCR office or migration post or, once they get there, getting inside. In the case of the latter, obstruction can come from locals unassociated with the office and/or from locally engaged staff;
- **processing times:** the sometimes lengthy delays in processing humanitarian applications continues to be a significant problem. Given the nature of the target group - people in unsustainable and often dangerous circumstances - having processing times of multiple months, and in some cases multiple years, is not acceptable. This issue will be taken up again below;
- **interpreters:** the quality of interpretation can make a huge difference to the ability of a refugee to present his/her case fully. Issues such as gender, religion and race can have a significant impact on this;
- **documentation:** many refugees, in particular those from Africa, cannot be expected to have the level of documentation (birth certificates, death certificates etc) required by some officials. The delays caused by this continue to cause much distress;
- **information for applicants:** lack of information about eligibility criteria for resettlement programs, processing procedures and expected time frames can cause considerable distress to

¹⁰ It will be argued below that changes should be made in the way that resettlement cases are identified to enable this to happen.

applicants and, in many instances, can give refugees false expectations about the chances that they will ever be resettled (thus preventing them from considering more realistic options).

The Refugee Council reiterates its belief that many of the procedural problems that concern the community sector are a direct result of insufficient resourcing of migration posts. If the humanitarian program is to have credibility and meet its stated objectives, there must be sufficient resources devoted offshore to enable efficient, equitable and timely processing of referrals and applications.

Further, the Refugee Council would like to raise the following issues:

a) The Removal of the Special Assistance Categories:

The Council understands the reasons behind the decision to phase out the Special Assistance Categories (SACs) that were a significant part of the humanitarian program during the 1990s, in particular the fact that these categories only benefited those groups with designated SACs and not others in equally deserving circumstances elsewhere.

This being said, it must be acknowledged that the SACs played an important role, in particular where people with genuine protection needs fell outside the criteria for the other categories within the humanitarian program. This is especially the case when the person is inside his/her country of origin.

Given that over 50% of the people of concern to UNHCR are “in refugee-like situations”, many who are displaced internally, it is important that these people are not overlooked. If Australia is to have a responsible humanitarian program that extends beyond mere UNHCR referrals (which it already does with the Visa Subclass 202 provisions), it is important that it accommodate people who are excluded from the refugee or humanitarian components of the program because they have not crossed an international border.

The Refugee Council notes the existence of Visa Subclass 201 (in-country humanitarian rescue). In the past this was applied with a geographical limitation (limited to Latin America), however, it has more recently been used for very small numbers elsewhere.

RCOA believes that there is scope to greatly expand the use of the existing in-country humanitarian rescue provisions to meet the need created by the withdrawal of the SACs. This requires at least two things:

- there to be a policy decision that greater use be made of these provisions;
- migration officers overseas be made aware of how the in-country visas can be used.¹¹

¹¹ The Council is concerned to hear from a number of sources that they have recently been told by migration staff in posts that the 201 Visas are only applicable for Latin American cases, despite this geographical limitation having been lifted quite some time ago. It would appear that some staff (with reference to posts in the Middle East and Europe) are not up to date with current provisions.

The Refugee Council recommends that:

- **1,000 places be allocated to accommodate people still inside their countries of origin (with no geographic limitation) who are experiencing or risk persecution or severe human rights abuse;**
- **efforts are made to consider how identification of such a caseload can be enhanced (see below);**
- **that briefing for migration staff in posts be provided as soon as possible to ensure that they are aware of changes in relation to eligibility criteria for the in-country humanitarian visas.**

b) The Need to Expand Identification Capacity:

The Council notes that in order to accommodate the recommendation concerning diversification of the humanitarian program in Africa, efforts will need to be made to enhance identification capacity, over and beyond the considerable initiatives undertaken by UNHCR¹². Further, if in-country resettlement is to be expanded (as was recommended in the previous section), new identification mechanisms will be required as UNHCR, as yet, does not facilitate resettlement of IDPs.

It is noted too, that there have already been steps taken to join forces with other resettlement countries to cooperate on resettlement. This being said, the Council believes that there is much more that can still be done.

The Refugee Council therefore recommends that DIMA take every effort to explore ways to enhance identification capacity, in particular by:

- **further enhancing coordination with other resettlement countries through information sharing, joint identification missions etc;**
- **promoting and supporting secondments to UNHCR's resettlement staff;**
- **developing stronger alliances with IGO¹³ and NGO field staff, in particular in camps and urban areas where there are likely to be vulnerable refugee and IDP caseloads.**

c) The Need to Accommodate Emergency Cases:

UNHCR's Discussion Note on Emergency Resettlement prepared for the July 2000 Annual Tripartite Meeting on Resettlement indicates that UNHCR only made one emergency referral to Australia in the first six months of 1999 and none in the same period of 2000. The reason for this

¹² It is noted that there are still parts of the world where it is very difficult for refugees to obtain support from UNHCR, either because of access difficulties and/or corruption amongst locally engaged staff.

¹³ This covers not only UNHCR field staff and local staff but also the staff of other intergovernmental agencies such as UNICEF, ICRC, UNDP and WFP.

is that Australia lacks the capacity to process such cases with expedition commensurate with the emergency nature of the referral.

While there is some merit in the argument that resettlement countries specialise in certain things - with some countries taking larger generalist caseloads and others taking smaller numbers of more complex cases - the Refugee Council argues that a country such as Australia must share the responsibility for part of the emergency caseload if it is to continue to profess to having a needs-driven program. Emergency cases, after all, are the most needy of the needy.

The Canadian Government has piloted an Urgent Protection Program in Kenya and Turkey which aims to provide decisions in urgent cases in 24 hours of a referral being made. Since its inception, a number of refugees have left for Canada, all but one departing within 5 days of the submission having been made.

That which appears to take the greatest time in cases referred to Australia is the medical checks that are required before travel can take place. The Refugee Council argues that when considering emergency rescue, the decision about whether to accept or reject has nothing to do with the health status of the person but rather about their need for immediate protection. If there are actual or perceived health issues involved, we contend that these can be addressed in Australia and should not be used to exclude a person from rescue.

The Refugee Council urges the Australian Government to heed UNHCR's call on resettlement countries to be more flexible and responsive in respect to the needs of emergency cases and to put in place procedures that allow expedited movement of UNHCR emergency referrals.

d) The Need to Manage Visa Issuing

In past years, a frequently expressed concern about the migration program was that visas were issued in "clumps" so that there would be a dearth of arrivals for a period followed by a surge. This greatly strained the resources of settlement service providers and made planning very difficult. All parties were thus very pleased when DIMA made a concerted effort to ensure that the program was better managed and visa allocation was spread evenly throughout the year.

RCOA has, therefore, been concerned to hear from a number of sources in recent weeks that they have been told by migration posts that all visas in certain classes - with most reference being to spouses covered by split-family provisions - for the current year have been allocated and that the applicant must wait until 2001-2002 for consideration. It is concerning that such advice was given in the first quarter of the program year.

The Refugee Council supports the practice of ensuring visa allocation is evenly spread throughout the program year and urges DIMA to take steps to see that it is implemented in all posts.

e) Pre-embarkation Information:

In August 2000 the Refugee Council submitted a report to DIMA which explored the issue of pre-embarkation needs of humanitarian entrants. The report was based on consultations with newly arrived humanitarian entrants and those who work with them in 6 states and territories, as well as a literature review.

The consultations revealed that misinformation and misconceptions are common and many humanitarian entrants¹⁴ receive insufficient information before coming to this country. The kinds of things the entrants felt they need to know more about included information about:

- what Australia is like, eg geography, language, different cities etc;
- what will happen when they get here;
- stages of adjustment;
- family reunion prospects;
- the Australian way of life;
- housing;
- Australian law and the legal system;
- family dynamics;
- interpreters;
- health and hygiene;
- financial issues;
- employment and education;
- what to bring to Australia - and what not to bring; etc

The Refugee Council notes that some of this information is already available in different forms (written, electronic etc) and that DIMA is currently exploring ways to make information more systematically available to humanitarian entrants.

The Refugee Council supports the fact that efforts are underway to enhance the provision of pre-embarkation information to humanitarian entrants and urges that these initiatives be sufficiently resourced to enable comprehensive and accessible information to be made available in a linguistically and culturally appropriate form to humanitarian entrants, irrespective of their point of embarkation.

5. ASSOCIATED ISSUES

5.1. Integrated Humanitarian Settlement Strategy

It would not be appropriate to consider the 2001-2002 humanitarian program without making reference to the Integrated Humanitarian Settlement Strategy (IHSS) which, it is hoped, will be phased in over the coming months.

¹⁴ There were distinct geographical differences in the nature, quantity and quality of the information provided, with refugees coming via the European posts being best served and those via the African posts reporting that they received little if any support.

IHSS will bring the largest single change to settlement services we have seen in this country. All previous changes have been gradual. With IHSS, the sector is reorganised in one fell swoop. There will be new players, new relationships and new ways of viewing clients. There will even be a new language (outputs, specifications, scope, service types etc). The move towards tendering rather than grants is also a marked departure from that which is familiar to those in this sector.

Particular concern is expressed about the lack of support given to community volunteers (eg CRSS group members) throughout the shift to IHSS. The involvement of volunteers is vital for the ongoing operation of most settlement services but for much of the last 2 years, the voluntary sector have often been the last to find out about changes and there is still no clarity about how the Community Support for Refugees (CSR) component of IHSS will be managed and by whom. The Refugee Council is concerned to learn that many volunteers, especially the very important “mainstream” volunteers, have indicated a desire to devote their services elsewhere and valuable expertise will thus be lost. We have also heard that a number of potential volunteer groups have been deterred by the uncertainty that pervades this sector at present. We therefore stress the importance of keeping in touch with volunteers, making them feel valued and urging them to continue their work in this sector.

Concern is also expressed about the impact of the introduction of IHSS, in particular the delays, on workers - and the services for which they work. Repeatedly extending contracts by short terms only, with no clarity as to when there might be a resolution, is unsound industrial practice and has caused major problems. Staff who have financial commitments (as the vast majority do) will by necessity seek secure employment elsewhere (often outside the sector, given the number of agencies gripped by the same uncertainty within this sector). Employers find it very difficult to attract competent replacement staff given that they cannot offer any more than month by month extensions on contracts. It is the Refugee Council’s fear that by the time IHSS is up and running, a significant “brain drain” will have occurred from which it will take quite some time to recover.

In its February 2000 intake submission, the Council stressed the need for careful and proactive change management throughout the IHSS implementation process. The subsequent delays have meant that these comments are still current.

Reference is made, in particular, to the importance of:

- **ensuring that concerned parties (including DIMA staff) are kept informed about the various stages of the process;**¹⁵
- **frequently reiterating the objectives of the strategy so that these remain clear in people’s minds. In relation to this, a quote from Dr Zhivago is apposite:**

“...such things only keep their purity in the minds of those who have conceived them, and then only on the day that they are first published. By the day after, the casuistry of politics has turned them inside out”¹⁶;

¹⁵ While it is acknowledged that during contract negotiations there are limits to what can be disclosed, there is general information about time frames etc that can be shared.

¹⁶ Fontana Edition. P267.

- **stressing the importance of collective effort to achieve the vision;**
- **acknowledging that people outside the process have an important contribution to make to the success of IHSS (especially the CSS-funded ethno-specific community organisations and various non DIMA-funded community organisations);**
- **recognising that many people feel uncomfortable about the changes and allowing their concerns to be articulated in a non-judgemental environment;**
- **being flexible enough to modify the pathway where real obstacles are confronted.**

The Integrated Humanitarian Settlement Strategy has the potential to make a positive contribution to settlement services in this country. Whether it does this, or sets service delivery back, will very much depend on how the transition process is managed in the coming months.

5.2. Temporary Protection Visas

The Refugee Council's February 2000 intake submission looked in detail at the principle of temporary protection in general and its recent application in the form of granting Temporary Protection Visas (TPVs) to Convention refugees in particular.

It is the position of the Refugee Council that:

- **it is not appropriate to use temporary visas for people granted refugee status in Australia;**
- **there is some limited application for the use of temporary visas for people for whom it is deemed appropriate to extend their stay on humanitarian grounds, eg to people who are in Australia when a crisis situation develops in their country of origin and have no basis on which to apply for refugee status on *sur place*¹⁷ grounds or people who have medical needs that cannot be accommodated in their home country;**
- **there are also grounds for the use of temporary Safe Haven visas as were used during the Kosovo and East Timor crises during 1999. This being said, the Council opposes the imposition of blanket restriction on the holders of such visas applying for refugee status, recognising that some may have well-founded fears of persecution on return to a post-crisis situation¹⁸;**
- **there must be limits on any temporary protection and that if the need for protection extends beyond a specified period (say 3 years), opportunities must be made available for those on temporary visas to apply for permanent visas;**

¹⁷ The term "refugee *sur place*" is used for cases where people were not refugees when they left their country but, due to altered circumstances in that country, would be at risk of persecution if they were to return.

¹⁸ As has been recognised by the grant of protection visas to a number (some 60 people at the time of writing) of Kosovars brought to Australia under Operation Safe Haven.

- **temporary visas are just that - temporary - and as such the number of visa grants in any one year should be listed separately and not included in figures for the migration programs.**

Since the commencement of issuing temporary protection visas (TPVs) to successful refugee status claimants in October 1999, the Council has monitored the situation of the TPV holders. It has remained in contact with service providers and support groups nationally and has written a further report, dated August 2000, on TPVs in Adelaide, Perth and Brisbane. Further, the Council has been involved in efforts to support the Islamic community in NSW deal with the increasing secondary movement to this state.

On the basis of its monitoring of the TPV situation, the Council remains convinced that the use of the TPVs for Convention refugees is contrary to the spirit of Australia's obligations under the 1951 Convention and will have a significant deleterious impact on both the TPV holders and the communities from which they come.

The Refugee Council urges the Government to reverse its decision to grant temporary residence to those granted refugee status and to restore access to the full range of services recognised as being essential for refugees to exist productively within the community.