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AUSTRALIA'S REFUGEE AND SPECIAL HUMANITARIAN PROGRAM:

CURRENT ISSUES AND FUTURE DIRECTIONS

Views From The Community Sector

February 2004

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1. EXECUTIVE SUMMARY

The Refugee Council of Australia once again welcomes the opportunity to present a detailed submission to the Minister for Immigration reflecting community views on the Refugee and

Special Humanitarian Program and to make recommendations about the size and composition of the program for the coming year.

In preparing this submission, the Refugee Council has consulted with a range of relevant parties including the United Nations High Commissioner for Refugees (UNHCR), country experts, settlement workers and refugee communities to gather information and to ensure the Council's views are current, representative and have broad-based support. The results of this consultation process, supplemented with research, have been compiled into the following submission, the various sections of which can be divided into three broad areas:

- the first looks at the role of refugee resettlement in the international context and at how Australia can make a constructive response to this;
- the second considers the size and composition of the Refugee and Special Humanitarian Program and makes specific recommendations in relation to the 2004-2005 program; and
- the third explores a number of current issues that pertain to the management and operation of the humanitarian program and the challenges facing the program. In part this relates to the focus questions contained in the DIMIA Discussion Paper and in part it takes up issues identified by the community as being especially important at this time.

Following is a summary of the Council's key recommendations.

Basic Principles

The Refugee Council contends that the following basic principles should underpin the Refugee and Special Humanitarian Program:

- the program numbers should be determined independently of any consideration of the numbers of refugees granted protection visas in Australia;
- the size of the offshore program should be increased commensurate with the role afforded to resettlement in UNHCR's Agenda for Protection. Such an increase should occur incrementally so as to allow the expansion of the capacity of the essential settlement services;
- at least 50% of the numbers should be devoted to the refugee component of the program;
- 15% of the refugee program should be devoted to Women at Risk entrants;
- all offshore refugee entrants should be granted permanent visas and be able to gain access to all settlement services;
- greater provision should be made for people displaced within their own country to be included within the humanitarian program;
- there should be a separate subprogram introduced within the family reunion program to target family members of humanitarian entrants;
- the program should make provision for a contingency reserve.

Size and Composition of the 2004-05 Refugee and Special Humanitarian Program

The following recommendations are made about the size of the program:

- 14,000 new places be made available for offshore entrants in the 2004-05 Refugee and Special Humanitarian Program;

- any unused visas be rolled over into the 2005-06 program;
- 7,000 places be made available for the refugee component of the program;
- for as long as the policy of issuing offshore temporary visas remains, those granted these visas not be counted against the refugee component of the program;
- at least 1,050 places be made available for Women at Risk entrants;
- plans be made to increase the program size by 1,000 places each year to bring the program to 17,000 places;
- a contingency reserve of 3,000 places be set aside to accommodate any major humanitarian emergency.

In relation to the regional composition, the following points are made:

- as welcome as the progress towards peace in many parts of the African continent is, this neither diminishes the need for resettlement places nor the legitimacy of devoting the largest component of the program to this region;
- the situation in Iraq and Afghanistan has, if anything, become more complicated in the last 12 months and the refugees who were vulnerable then are no less vulnerable now. It is important a significant proportion of the resettlement program remains focused on this region;
- the need for resettlement places for refugees and IDPs from Europe has diminished but it is important that the program still retain the capacity to assist those who are unable to return or who are facing substantial discrimination on return to minority areas;
- there may not be the same numbers of refugees in South East and South Asia as in other regions but Australia is the only major resettlement country in the region and as such has a particular responsibility not to neglect the resettlement needs in our region. This relates both to at-risk cases and people caught up in protracted situations where no other options exist;
- the increasing complexity and severity of the situation in Colombia, and the importance of providing options to those who would consider secondary movement, warrants consideration of an Australian resettlement response for this region;
- on the basis of the above, it is recommended that the regional composition of the program be as follows:

Africa	50%
Middle East	35%
Europe	7%
SE and South Asia	5%
South America	3%

2. INTRODUCTION

Every now and again there is a year that, with hindsight, stands out as being one in which momentous change occurred in many parts of the world. 1975 was such a year. So too was 1979 and 1989, and of course we must not forget 2001. Time will tell whether the same can be said about 2003. At this point it is possible to say that 2003 was a year that saw the genesis of change, if not the realisation of solutions.

The most obvious example of this was the overthrow of the brutal regime of Saddam Hussein. As the months pass, however, it is becoming increasingly clear that it could be a long time before the Iraqi people attain their dream of living in peace and security. So too in Afghanistan, another country that has experienced monumental change but which still faces massive challenges.

It is on the African continent that one finds some of the most positive developments, including:

- the engagement of the United States in the peace process in Sudan, giving rise to hope that a peace agreement between the Khartoum Government and the Southern Sudanese rebels might be achievable and that there might be an end to the longest running conflict in Africa;
- the unexpected agreement between Somalia's warlords to end the conflict that has effectively torn their country apart for over a decade;
- the expulsion of Charles Taylor from Liberia and the signing of a peace agreement between rebel factions (noting that peace has not yet been translated to stability);
- the January 2003 peace agreement in the Ivory Coast and the establishment of a Truth and Reconciliation Commission in neighbouring Sierra Leone;
- agreement between the government of Burundi and most of the rebel fighters, opening the way for the repatriation of hundreds of thousands of refugees;
- the creation of a power-sharing government in the Democratic Republic of Congo; and
- the considerable progress that is being made in post-conflict Angola.

As positive as these developments are, no one would suggest that the road ahead will be smooth. Even within these states, there have been ongoing human rights abuses and violence, and the refugees who have fled are still encountering massive security concerns in neighbouring states. In the last few weeks alone, Almost 250 refugees were killed and 4,000 homes destroyed in three incidents in refugee camps in northern Uganda.

It is important also not to lose sight of:

- the situations that have flared up during the last 12 months, in particular the conflict in the Darfur region of western Sudan, and in other parts of the world, not least Colombia;
- the large number of refugees who have fled countries not at war but where there is systemic and severe persecution of particular groups within society;
- the refugees caught up in the many intractable situations and who are being denied a durable solution.

This submission explores how Australia can share in the responsibility of finding solutions for the world's refugees through its resettlement program.

3. RESETTLEMENT AS A TOOL OF INTERNATIONAL PROTECTION

The United Nations High Commissioner for Refugees (UNHCR) has long advocated that there are three options, or "durable solutions", for those found to be refugees.¹ The first, and most preferable, is voluntary repatriation to the country of origin once the conditions that caused the flight have altered sufficiently to enable safe return. If repatriation is not an option, the next preferred solution is integration into the country of first asylum. In many instances, the country of first asylum is near the country of origin and it is likely that there may be cultural, linguistic, religious and geographic similarities with the refugees' home country so as to ease integration. Where neither of the other durable solutions is a practical option, the third durable solution, resettlement, is considered.

The fact that resettlement is presented as the third durable solution should not be interpreted as it being the least valuable or necessary. It is true to say that for many refugees resettlement provides the *only* viable option. There are situations where resettlement may offer the only means to preserve human rights and dignity and to protect refugees from:

- *refoulement*²;
- expulsion to a country from where a refugee may be *refouled* or where his/her life or freedom may be threatened;
- a significant threat to his/her physical security;
- arbitrary detention.

The place of resettlement amongst the trinity of durable solutions has wavered over the years. At the time of the exodus from Indochina in the 1970s and '80s, resettlement was hailed as the preferred option. Some 2 million Vietnamese found new homes in the West, not so much in response to their needs but more to satisfy Cold War political objectives and perhaps as a response to the collective guilt. As time went on, and it became more and more apparent that economic betterment rather than political freedom was the catalyst for some people to leave, cynicism grew. Resettlement was seen as a destabilising factor and support for it within UNHCR and in the international community waned.

The pendulum has, however, swung again and in recent years there has been a concerted effort by UNHCR to restore resettlement as a legitimate option. The current High Commissioner is particularly keen to promote a wider recognition of resettlement as an invaluable tool of international protection, a manifestation of international burden sharing, a way to reduce irregular secondary movements and a legitimate alternative in response to interdiction policies of developed nations.

UNHCR has devoted considerable energy to encouraging new countries to offer resettlement to refugees. For many years only ten countries³ resettled refugees on a systematic basis. In recent years, however, UNHCR has been able to double this number, securing participation from a number of other European states, as well as countries in Africa and South America. The most recent addition to the list of resettlement countries is the United Kingdom, which has agreed to take 500 refugees from West Africa during the course of 2004.

Many countries, including USA, Canada and Australia, also accept people in their humanitarian programs that have not been referred by UNHCR. In such cases the selection criteria are different (typically a lower threshold of harm and/or risk) and often involve a link to the resettlement country. These programs enable the resettlement of significantly greater numbers than the UNHCR caseload and reflect the fact that the UNHCR caseload represents only a subset (albeit the most vulnerable one) of the world's displaced people.

The Agenda for Protection

In October 2002, the Members of the Executive Committee of the United Nations High Commissioner for Refugees adopted the Agenda for Protection. The Agenda was the product of

¹ This was reaffirmed at the 54th Session of the Executive Committee of the United Nations High Commissioner for Refugees (October 2003) in the Conclusion on International Protection.

² Forced repatriation to the refugee's country of origin.

³ The ten long-standing resettlement countries were Australia, Canada, Denmark, Finland, Netherlands, New Zealand, Norway, Switzerland, Sweden and the USA.

the consultation process initiated by UNHCR to mark the 50th Anniversary of the establishment of the office and to grapple with the numerous challenges confronting States in terms of refugee protection. Through its membership of the Executive Committee and its active participation in the consultation process, Australia played an important role in the development of the Agenda for Protection and will be required to be active in supporting its implementation.

The Agenda for Protection sets out a concrete framework for refugee protection. This framework contains 6 specific goals:

- strengthening implementation of the 1951 Convention and its 1967 Protocol;
- protecting refugees within broader migration movements;
- sharing of burdens and responsibilities more equitably and building capacities to receive and protect refugees;
- addressing security-related concerns more equitably;
- redoubling the search for durable solutions; and
- meeting the protection needs of refugee women and refugee children.

In the context of the enhanced commitment to the search for durable solutions, the Agenda identifies the need to enhance the use of resettlement both as a protection tool and a durable solution. Similarly it identifies the need to expand resettlement opportunities by:

- encouraging more countries to cooperate with UNHCR in offering resettlement places;
- developing the capacity of new resettlement countries through training and mentoring programs;
- promoting the expansion of existing resettlement programs both in terms of their size and the diversification of the caseload; and
- ensuring that resettlement programs are supported by robust and effective settlement programs.



Convention Plus

At the time of the adoption of the Agenda for Protection, the High Commissioner for Refugees also launched his Convention Plus initiative. Convention Plus is about supplementing the Convention in certain areas it does not adequately cover. In introducing Convention Plus, the High Commissioner explained:

The "Plus" concerns special agreements for improved burden sharing, with countries in the North and South working together to find durable solutions for refugees. It concerns comprehensive plans of action in cases of massive outflows. It concerns agreements on "secondary movements", defining the roles and responsibilities of countries of origin, transit, and potential destination. It concerns better targeting of development assistance in regions of origin, helping refugee-hosting countries to facilitate local integration, and enhancing post-conflict reintegration. And it concerns multilateral commitments for resettlement.⁴

Over the last 16 months, there has been considerable discussion within and between UNHCR, governments and NGOs about how Convention Plus can operate in practice. This has involved the development of a multilateral framework of undertakings on resettlement which sets out to provide clarity about, *inter alia*:

- leadership and coordination,
- registration and documentation,
- selection criteria, and
- program delivery.

Reference is also made to the need to ensure that resettlement places continue to be offered to refugees who are not included in a multilateral resettlement operation but for whom resettlement is deemed the only means to guarantee their safety.

In many ways, Convention Plus represents thinking about resettlement coming full circle. The integration of resettlement into a comprehensive plan to resolve a protracted and intractable refugee problem is reminiscent of the Comprehensive Plan of Action, the multilateral agreement that provided the framework for the aforementioned resettlement of Indochinese refugees. In the intervening years, however, many lessons have been learnt about what it required to arrive at an effective comprehensive solution, not least the necessity for clarity in the roles and obligations of the various cooperating parties.

4. AUSTRALIA'S RESPONSE

In 1962 Sir Tasman Heyes, then Secretary of the Department of Immigration, was awarded the prestigious Nansen Medal. The Nansen Medal celebrates the achievements of Fridtjof Nansen, famed Arctic explorer and first High Commissioner for Refugees, and is awarded by UNHCR annually to a person or organisation that has made an exemplary contribution to refugees. Sir Tasman accepted the reward on behalf of the Department of Immigration and the Australian people. Under Sir Tasman's leadership, over 270,000 refugees, including hundreds of handicapped people, entered Australia between 1946 and 1961.

In assessing the contribution a country is making to assist the world's refugees, it is important to recognise that there are a number of initiatives a western industrialised nation such as Australia can engage in. These include:

- assisting with the prevention of human rights abuses that lead to population displacement through participation in international fora and bilateral initiatives;
- participation in international peacekeeping operations;
- assistance for refugees in countries of first asylum and when repatriating through the international aid program, with an emphasis on programs which strengthen democratic, legal, political and institutional structures;
- provision of resettlement opportunities for refugees for whom no other durable solution exists; and
- granting protection to those who are determined to be refugees.

A responsible national program is one in which there is balance and consistency and where there is coordination of policy and programming within and across relevant portfolios.

It can be argued that Australia, while it is active participant, is yet to achieve this necessary balance and coordination. It is the view of the Refugee Council that:

- there is an over-emphasis on exclusion and interdiction at the expense of dealing with the root causes of secondary refugee movements;
- there is an unacceptable disparity between the money spent on border protection compared to overseas aid, in particular that devoted to UNHCR; and
- the binding obligations with respect to those seeking protection from persecution are not treated with the same level of respect as those in the voluntary contribution to resettlement.

One of the regrettable consequences of the imbalance is that when the rest of the world links Australia and refugees, they think about interception, detention and the Pacific Solution. The exemplary work of Australia's peacekeepers gets little recognition, and neither does Australia's proud record of refugee resettlement.

For over 50 years successive governments have demonstrated a commitment to resettlement through:

- their support for UNHCR's resettlement program;
- the number of refugees (on a per capita basis) accepted by Australia; and
- the quality of settlement programs put in place to assist refugees after arrival.

In 2001-2002 Australia made a very specific contribution through funding the development of the UNHCR Handbook on the Reception and Integration of Resettled Refugees that, in addition to being an invaluable resource for workers in Australia and other established resettlement countries, provides an essential framework for countries embarking on resettlement for the first time.

2002 also saw Australia agree to the adoption of the Agenda for Protection. It is the view of the Refugee Council that this should be seen by the Government of Australia as an opportunity not only to take pride in the ground-breaking role this country has taken in relation to furthering resettlement as a durable solution but also to consider whether Australia's resettlement program can be modified in order to reflect better the objectives outlined in the Agenda.

The Refugee Council of Australia believes that as commendable as Australia's resettlement program has been over the years, there are a number of ways in which it could be strengthened. These include:

- *increasing the size of the program to reflect the enhanced importance afforded to resettlement by UNHCR;*
- *ensuring that the program more accurately reflects contemporary resettlement needs and regional responsibilities by diversifying the caseload;*
- *making an active contribution to enhance UNHCR's capacity to identify refugees in need of resettlement (see Section 6.2).*

Furthermore, the Refugee Council has long emphasised that there are certain basic principles that should underpin the Refugee and Special Humanitarian Program:

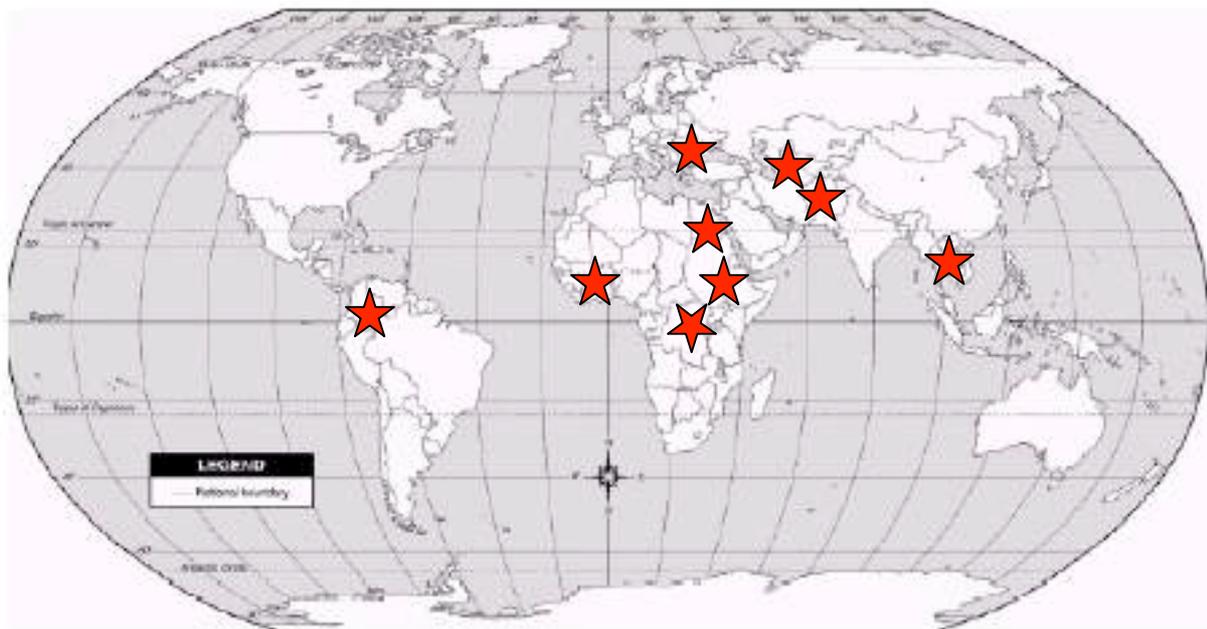
- *the program numbers should be determined independently of any consideration about the numbers of refugees granted protection visas in Australia* arguing that the current numerical linkage of the offshore and onshore programs is a distortion of international protection principles and stressing its deleterious impact on program planning and management. The Council's reasons for the separation of the offshore and onshore programs are set out in Section 5.2, and the Council notes that this position is consistent with that of UNHCR and has wide support from refugee agencies;
- *the proportion of the program devoted to refugees should never fall below 50% in recognition of the fact that the program purports to assist the most vulnerable, and noting the order in which the components of the Refugee and Special Humanitarian Program are listed in its name;*
- *15% of the refugee program should be devoted to Women at Risk entrants* noting their special vulnerability within refugee communities;
- *all offshore refugee entrants should be granted permanent visas and access to the settlement services that are their right under the Refugee Convention* recognising the importance of certainty in enabling refugees to heal the wounds caused by their past persecution;
- *greater provision should be made for people displaced within their own country to be included within the humanitarian program* noting that the number of internally displaced persons (IDPs) in the world far exceeds the population of refugees, and that

many IDPs have protection needs equal to those of the people who have crossed borders;

- *the program should make provision for a contingency reserve* stressing the fact that the world is an unpredictable place and during the course of any year an emergency situation can occur that requires the allocation of additional resettlement places.

These principles will be expanded upon in the following sections.

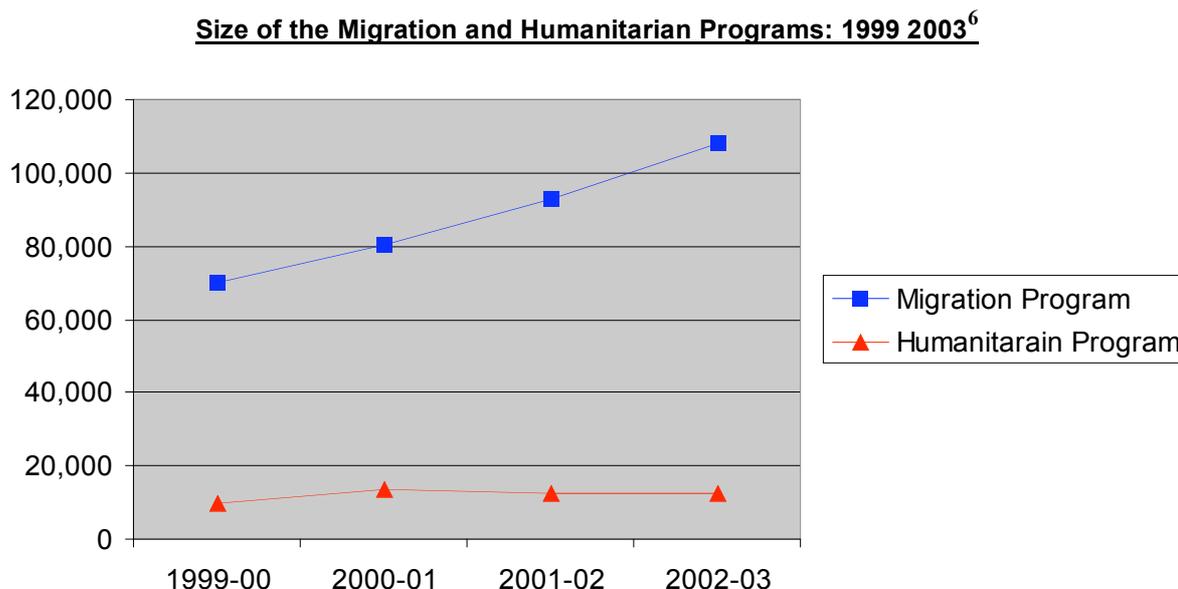
Main Target Areas for Refugee Resettlement



5. AUSTRALIA'S REFUGEE AND SPECIAL HUMANITARIAN PROGRAM

5.1. Program Size

Since the current government came to office in 1996, the size of the humanitarian program has remained largely unchanged. The program has been set at 12,000 places each year and the number of visas issued has also remained fairly static.⁵ On the other hand the size of the general migration program has increased by almost 50% in recent years (from 70,200 in the 1999-2000 program year to 108,070 in 2002-2003). The comparative trends of the migration and humanitarian program numbers are shown in the following graph:



The Refugee Council questions why there is this discrepancy in the program trends, especially in the light of the following:

- the Australian economy has remained strong throughout this period;
- there is an acknowledged need for migrants to come to Australia to combat the deleterious effects of below replacement birth rates and to generate a demand for goods and services;
- there has not been a significant reduction in the need for resettlement places;
- both UNHCR and the Australian Government have increased their capacity to identify and process vulnerable humanitarian cases;
- refugee communities, as well as members of the wider community, want to see an increase in the number of humanitarian entrants coming to Australia;
- there is an acknowledged benefit to the Australian economy as a result of the business and skilled migration program. A strong argument can thus be for ensuring that some of this additional revenue is directed towards enhancing Australia's capacity to assist more humanitarian entrants.

⁵ Noting that the number of visas issued in any year is determined not only by program size but also by the re-inclusion in the program of unused visas and places of people who have permanently departed.

⁶ Data source: DIMIA website.

The Refugee and Special Humanitarian Program enables Australia to:

- assist some of the most vulnerable people in the world;
- share the responsibility of finding solutions for refugee problems;
- meet the needs of members of the Australian community to assist their family and compatriots;
- benefit from many strengths and attributes refugees bring to this country.

In the light of this, and recognising the ongoing and considerable need for resettlement places (as will be outlined in the following section), the Refugee Council recommends that the size of the offshore humanitarian program be increased to 14,000 places in the 2004-2005 program year.

In addition, the point is stressed that the world is an unpredictable place and that emergencies can occur at any time. It is the view of the Refugee Council that should an emergency occur that warrants the emergency provision of a large number of resettlement places within that program year, these places should be added onto the program rather than taken away from existing allocations to other entrant groups.

The Refugee Council recommends that there be a standing provision in the humanitarian program for a Contingency Reserve, allowing additional places to be made available in emergency situations and at the request of UNHCR. Such a program would be an acknowledgement of the fragility of the world and the need for responses over and above the “normal” when humanitarian disasters occur. It can be argued that funding for such a program could be considered in much the same way Australia responds to natural disasters, such as the bushfires in Canberra, and terrorist attacks, such as the Bali bombings.

5.2. Numerical Linkage between the Offshore and Onshore Programs

There have been occasions where the Government has introduced a policy about which reservations were initially held but which, on acquaintance, was not seen to be as problematic. This is not the case with the numerical linkage between the offshore and onshore humanitarian programs. Eight years after the introduction of this policy, the Council's concerns are, if anything, stronger than at its inception. In these years, we have observed:

- rifts being created within and between communities in Australia on the perception that one group is being favoured over another;
- the public becoming increasingly confused about Australia's humanitarian response, with many conceptually unable to separate resettling refugees from onshore asylum seekers who have been vilified and, by extension, they perceive all refugees as being undeserving;
- major challenges for those charged with the provision of settlement services as the numbers of eligible entrants fluctuates. The size of the offshore program fell from 15,050 in 1995-96 to 7,992 in 2000-2001, and in the current program year over 12,000 entrants are expected. This has significant implications for the quality of settlement service delivery.

The Government argues that the numerical link is necessitated by the need to plan in advance for the cost of the humanitarian program. This argument is predicated on the notion that there is one humanitarian program. The Council, however, argues that the onshore and offshore programs, though currently linked in practice are, in fact, distinct in inception and motivation:

- the onshore program exists because of Australia's international obligations as a signatory to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. To fail to give protection to those who are determined to be refugees would be a breach of these obligations;
- the offshore program is driven by Australia's long held commitment to assist UNHCR find durable solutions for those for whom no other option exists. It is also acknowledged that the humanitarian program provides a tangible way for communities in Australia to assist members of their community in distress overseas. There is no legal requirement under the Convention that Australia have an offshore program but there is recognition that in providing resettlement places, Australia is playing its part as a good international citizen. This is a very valuable contribution and has gained Australia considerable respect within the United Nations framework.

If one accepts this premise, one can then accept that the costs should be considered separately:

- the costs associated with refugee status determination and support for onshore claimants should be viewed by the Government in much the same way as it views compliance costs associated with other treaties (trade, environmental and human rights). While it is not always possible to determine in advance exactly what the costs are, estimates can feasibly be made, with the actual costs being later adjusted and reported;
- being a voluntary contribution and easily the most significant contribution that the Australian Government makes to assist the work of UNHCR, the costs of the offshore program should be regarded in that light – as “aid” not a “conditional grant”.

Further, the Council argues that having a significant and stable offshore program has many benefits for this country, including:

- enhancing Australia's standing in the international community (noting that its resettlement program is the most significant contribution Australia makes to UNHCR);
- reducing the number of people who come irregularly because there are more resettlement places for which they can apply;
- assisting groups within the Australian community to feel that they are helping their compatriots or others who are in need of resettlement.

Further, it is significant to note that the concerns about the numerical linkage are not the Council's alone. The majority of community, church and human rights groups oppose the linkage and UNHCR has consistently spoken against it.

The Refugee Council therefore reiterates its position that the offshore humanitarian program numbers should be determined independently of the number of onshore protection visas granted.

5.3. Program Composition

There are two significantly different ways of looking at the composition of the humanitarian program. One is the way the program is broken up into its constituent parts (its sectoral composition) and the other is the allocation given to the various regions around the world (regional composition). Each will be dealt with below.

5.3.1. Sectoral Composition

The offshore humanitarian program is comprised of seven separate programs, each with its own selection criteria and visa subclass. These will be considered below:

i. Refugee Program (Visa Subclass 200)

It is the view of the Council that the refugee program is central to our humanitarian response, forming as it does a way of protecting highly vulnerable refugees and assisting UNHCR to fulfil its mandate. In this regard, the Council contends that:

- the numbers allocated to the refugee component of the humanitarian program must be a clear demonstration of its primacy within the program;
- selection for the refugee program should be on the basis of need for resettlement rather than an assessment of the individual's capacity to settle successfully;
- the existence of a medical condition or disability should not be the sole reason for the exclusion of an otherwise eligible entrant from the refugee program, stressing that such refugees are often made especially vulnerable by their medical status and that if the program is to target honestly the most vulnerable, such refugees should be considered;⁷
- priority should be given to those identified by UNHCR for resettlement or whose resettlement is supported by them; and
- refugees who contact an Australian mission directly or are brought to the attention of DIMIA officers by NGO/IGO staff or friends/relatives should be considered for the program on the basis of need.

The Refugee Council recommends that at least 50% of the offshore humanitarian program be allocated to refugee program entrants.

The issues of identification and program management will be discussed in detail in Section 6.

ii. The In-Country Special Humanitarian Program (Visa Subclass 201)

Of the persons of concern to UNHCR, almost half are people displaced within their own country for the very reasons that would make them a refugee were they to cross an international border. In addition, there are also people who have not taken flight but who are at significant risk due to gross violations of their fundamental rights. In the past, recognition has been given to the needs

⁷ The Refugee Council has long been concerned that so few land-mine victims and amputees are accepted in the offshore program. The proportion of such people in refugee communities is high given the nature of contemporary warfare. More often than not, their needs cannot be met in refugee settings and their disability can make them vulnerable to neglect, ostracism, exploitation and/or abuse.

of such people through two components of the offshore humanitarian program – the Special Assistance Categories and the In-country Special Humanitarian Program.

The Special Assistance Categories (SAC) enabled specific groups of vulnerable people to gain access to the program. Many of the target groups were people displaced within their own country, for example Ahmadis from Pakistan, affected populations in Sri Lanka, displaced persons in the former Yugoslav republics and minorities within Sudan. In the early 1990s, about 40% of the program numbers were devoted to SAC entrants.

As beneficial as the SACs were for the target groups, it is indisputable that the SACs were discriminatory. They focused on particular groups of people whereas other equally (or more) worthy people missed out because of the specificity of the criteria. There was, therefore, not a great deal of opposition to the phased withdrawal of the SACs in the late 1990s.

As flawed as the SAC program was, its removal left a gap in the program, namely a mechanism to assist people who were still in their country of origin. While there was a visa subclass that could theoretically do this, it has been little used since the 1980s and even then, it had a geographic limitation (it was used exclusively for entrants from Latin America).

In recent years the In-country Special Humanitarian Program has been used to allow the entry of small numbers of persons of concern from other regions but it continues to be used sparingly.

RCOA believes that there is scope to expand the use of the existing in-country humanitarian rescue provisions to assist internally displaced persons (IDPs) and people who are facing persecution in their own country and who need assistance to leave.

This requires at least two things:

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

It is acknowledged that it also requires the capacity to process people while they are still in their country of origin and the ability of people to leave their country. This is not the case for most people experiencing persecution in their own country but there are some countries where it is possible – for example in relation to Ahmadis in Pakistan – and thus in-country visas should be considered when requests for assistance are received.

iii. The Special Humanitarian Program (Visa Subclass 202)

Since the closure of the Special Assistance Category, the Special Humanitarian Program (SHP) has taken over the numerical dominance in the offshore humanitarian program. To be eligible for consideration under the SHP a person must:

- have experienced substantial discrimination amounting to a gross violation of human rights;
- have someone in Australia who is prepared to undertake to provide substantial settlement assistance after arrival;
- meet standard health and character tests.

Whereas the Refugee Program, in most instances, requires a trigger from UNHCR, the SHP enables people in Australia to identify individuals or families of concern to them and request an assessment by the Australian authorities of their need for resettlement. Where the application is successful, this is highly beneficial to both the proposer and the entrant.

The Special Humanitarian Program is, in essence, a way of expanding the number of people who can come to Australia under the humanitarian program in so much as it draws on community resources. The successful operation of the SHP is predicated on the community being able to share this responsibility and, in large part, this has been the case throughout the operation of the

program. The shift in program focus away from Europe and towards Africa (see Section 5.3.2.) has, however, altered the dynamics significantly.

In the current program year, 5,284 SHP visas have been allocated to Africa. This is over 61% of the SHP caseload. Of these, a high proportion involve Southern Sudanese entrants whose proposers are themselves recently arrived humanitarian entrants. As willing as they are to do everything possible to assist, their capacity is limited.

The Refugee Council stresses that the viability of the Special Humanitarian Program is dependent on the level of support given to the proposers to enable them to carry out their undertakings. The SHP should not be about divesting responsibility, rather it is about sharing responsibility.

Section 6 of this submission will expand on this issue, exploring how the delivery of the program can be enhanced and how both the affected community and the broader community can be more constructively involved. It will also make a series of recommendations about enhancing the support available to proposers.

iv. Emergency Rescue (Visa Subclass 203)

For many years the Refugee Council advocated for the development of an emergency rescue capacity. The capacity was envisaged in the legislation (through the creation of visa subclass 203) but not present in reality as Australia's procedures were too lengthy and complicated to enable the rapid transport of a person in imminent danger, and thus UNHCR did not refer such cases to Australia. The Council considered this a regrettable situation, especially as emergency rescue cases are arguably the most vulnerable of all refugees and Australia was doing nothing to assist.

In the last two years this situation has changed and the Refugee Council would like to commend the government for supporting the enhancement of the response capacity and the Department of Immigration for developing the necessary referral protocols with UNHCR. It is to Australia's credit that it can now finalise the processing of emergency referrals within 2 days of receipt.

v. Refugee Women at Risk (Visa Subclass 204)

There are a number of factors that contribute to the high rate of sexual and domestic violence and exploitation of refugee women and girls in refugee camps and settlements. These include:

- the subordinate status of women in many refugee situations;
- problems of physical insecurity;
- lack of access to adequate food and housing;
- the breakdown of familial and social structures; and
- the altered relationships within a family due to the immense stresses of expulsion and exile.

Impunity for the perpetrators of violence, the extremely limited range of options available to UNHCR and NGOs to remove those at risk from the abusive circumstances, and the lack of legal recourse for women victims all contribute to the persistence of violence in refugee settlements. The widely held view that domestic violence is a "private domain" issue is another major obstacle to ensuring adequate protection of refugee women. Violence against women in refugee camps is a particular issue in Kenya, as well as in Guinea and Pakistan.

The refugee Women at Risk (AWR) program was introduced by UNHCR in recognition of the fact that within any refugee population there are women and girls who remain at risk and for whom there are inadequate local support mechanisms, either from within their own community or from the international and other agencies working with them.

Australia is one of only a few resettlement countries to have a designated Women at Risk program to target refugee women who, according to DIMIA guidelines:

- are outside their home country;
- do not have the protection of a male relative;⁸
- are in danger of victimisation, harassment or serious abuse.

The annual target for the Women at Risk subcategory is 10.5%. For the second year in succession, this target was exceeded in the last program year (2002-2003), with 504 visas being issued. This represents 11.5% of all refugee visas granted, exceeding the target by 1%.

The ability to deliver an above target program is commendable and reflects the combined efforts of both UNHCR and DIMIA to expand their capacity to identify and process the most vulnerable in refugee communities. The issue of identification capacity will be explored in more detail in Section 6 but at this point, RCOA wishes to note the following in relation to Women at Risk cases:

- **identification:** it should not be expected that women who have been seriously abused and traumatised self-refer. To supplement UNHCR referral, staff in posts should make direct contact with NGO and IGO staff working in camps and settlements so as to explain the objectives of the AWR program and referral mechanisms. It is also important that DIMIA staff are aware of the ways women from various backgrounds will describe their experiences. An African woman, for instance, is unlikely to say that she has been raped; she is more likely to say that she has “no one to care for her”. Further, staff should be able to identify applicants in other categories that would more appropriately be dealt with under the AWR program and transfer such cases;
- **interview process:** it is not appropriate that male officers conduct the interview for AWR applicants. It is vital that female interviewers who display cultural awareness and are sensitive to the needs of the AWR applicant conduct the interview. Female interpreters from the same ethnic or cultural background as the applicant should be provided;
- **expeditious processing:** RCOA wishes to stress the importance of processing AWR referrals quickly and congratulates DIMIA on the considerable progress it has made reducing the processing times in overseas posts. Not too many years ago, it was common for AWR cases to take in excess of 1½ years to be processed and as recently as 2001-02, the median number of weeks for the processing of an AWR visa was 75 weeks.⁹ Given that the criteria for consideration is that the woman must be at risk in the country of first asylum, this was far too long. In 2002-03 DIMIA was able to cut median processing times in half and maintain this standard during the current program year.

It is noted that AWR entrants are prohibited from sponsoring a spouse or intended spouse for a specified period and that this was intended to prevent the abuse of the program. While it is important to prevent programs from being used inappropriately, it is important to recognise the confusion that war and the different cultural contexts involved can cause, eg:

- it is possible that a woman may have believed herself to be a widow but later discovered that her husband was alive; or
- there have been cases where the husband’s whereabouts were unknown; or
- there have been cases where “separated” has been interpreted as “not presently in the company of” rather than “estranged”.

⁸ The Refugee Council argues that this criterion should not necessarily exclude women who have a male partner or teenage son as there are many instances where the male is unable or unwilling to offer protection, and in some cases is the perpetrator of the violence.

⁹ Figures from DIMIA.

In such cases, the lack of clarity in the definition and the absence of exemptions can cause real hardships to women in ongoing relationships who, at the time they were visaed, met all the criteria for an AWR visa. It can also lead to prolonged separation of children from their father.

Further, in order to ensure that AWR entrants are appropriately supported after their arrival in Australia, it is necessary to accept that these entrants have special settlement needs over and above those of other humanitarian entrants because of the high level of trauma they have experienced (the majority are victims of violence) and the fact that they are usually women-headed households without support networks. It is important that DIMIA carefully track AWR entrants to ensure that they are receiving the support they require through the Integrated Humanitarian Settlement Strategy.

vi. Secondary Movement (Temporary) Visas (Visa Subclasses 447 and 451)

In 2001 two new offshore humanitarian visa subclasses were introduced:

- Secondary Movement Offshore Entry (Visa Subclass 447)
- Secondary Movement Relocation (Visa Subclass 451).

In both cases the recipients have undergone individual status determination and have been found to be Convention refugees. In both cases the visa only entitles the refugee to temporary entry, requiring that an application be made for a Further Protection Visa after a designated time (3 or 5 years), and imposes limits on the range of entitlements.

The decision to grant a secondary movement visa is based on an assessment that the refugee has not sought protection in a country close to his/her home but has engaged in secondary movement, either alone or with the assistance of people smugglers.

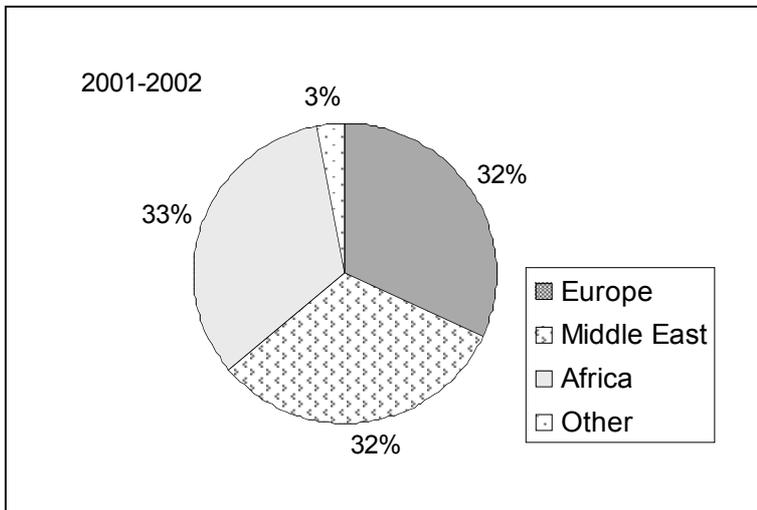
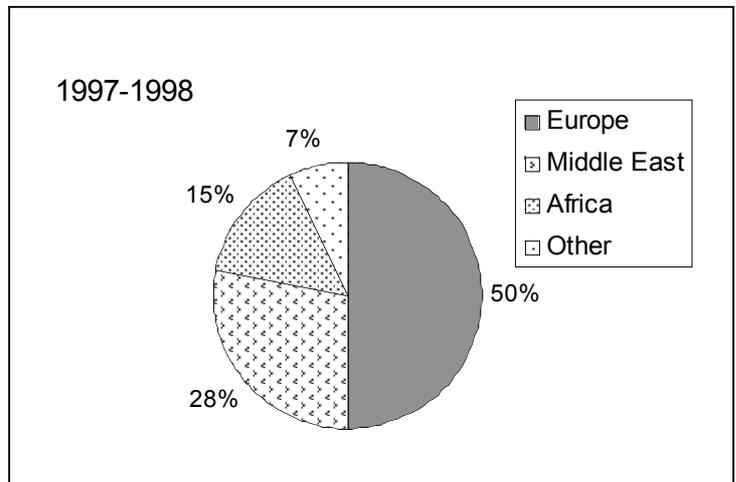
The Council reiterates its opinion that secondary movement does not, in itself diminish a refugee's worthiness or need for resettlement nor the refugee's need for the settlement services that experience over the years has shown are essential for successful participation in Australian society.

The Refugee Council therefore argues that all offshore humanitarian entrants be given permanent visas and access to the services attached to such visas.

5.3.2. Regional Composition

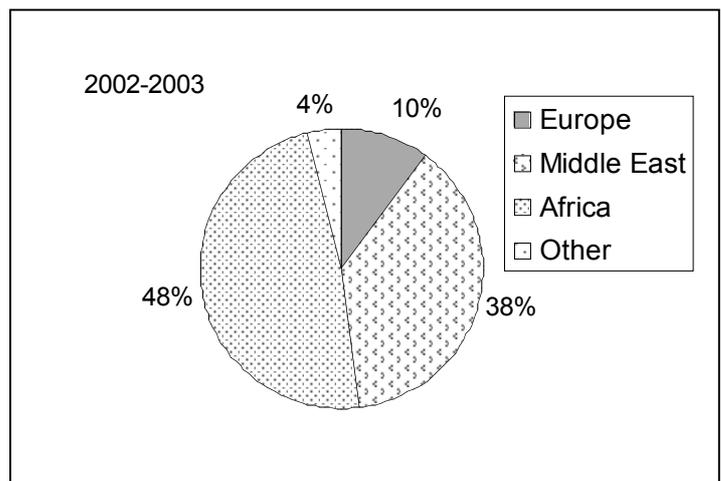
There has been a significant shift in the regional composition of the humanitarian program in recent years.

The war in the Balkans had a significant effect on the humanitarian program in the 1990s and for much of the decade, the largest entrant group was from this region. The graph to the right shows that in the 1997-98 program year, half of the entrants came from Europe. Middle Eastern refugees, predominantly religious and ethnic minorities, made up the other major part of the program and Africa was allocated only a small proportion of the visa numbers.



The turn of the century saw a significant change in the regional composition of the program. The size of the programs for three major source regions evened out, with Africa doubling in size and the European program shrinking. Both of these trends were consistent with UNHCR's resettlement requests and RCOA's recommendations. Noteworthy, but less commendable, is the reduction in the allocation to the "other" regions (Asia and the Americas).

The trend evidenced in the 2001-02 program continued in the following year, with the allocation to Africa increasing by a further 50%, bringing it to almost half of the total program. The European allocation fell even more and the provision for other regions remained very small. The only component of the program that has remained largely unchanged throughout this period is the allocation for the Middle East.



In the tables in the pages that follow, the Refugee Council examines the developments in the various source regions in the last 12 months and the outlines resultant resettlement need. From this analysis it is possible to conclude:

- as welcome as the progress towards peace in many parts of the African continent is, it in no way diminishes the need for resettlement places nor the legitimacy of devoting the largest component of the program to this region;
- the situation in Iraq and Afghanistan has, if anything, become more complicated in the last 12 months and the refugees who were vulnerable then are no less vulnerable now. It is important that a significant proportion of the resettlement program remains focused on this region;
- the need for resettlement places for refugees and internally displaced persons (IDPs) in Europe has diminished but it is important that the program still retain the capacity to assist those who are unable to return or who are facing substantial discrimination on return to minority areas;
- there may not be the same numbers of refugees in South East and South Asia as in other regions but Australia is the only major resettlement country in the region and as such has a particular responsibility not to neglect the resettlement needs in our region. This relates both to at-risk cases and people caught up in protracted situations where no other options exist; and
- the increasing complexity and severity of the situation in Colombia, and the importance of providing options to those who would consider secondary movement, warrants consideration of an Australian resettlement response for this region.

On the basis of the above, the Refugee Council recommends that the regional composition of the program be as follows:

Africa	50%
Middle East	35%
Europe	7%
SE and South Asia	5%
South America	3%

The rationale for this allocation is set out in the following tables.

REGION	% OF TOTAL	ISSUES FOR CONSIDERATION
AFRICA	50%	<p>It is possible to point to many positive developments in Africa in the last year. Several long-standing conflicts are moving towards resolution and, if the progress is sustained, repatriation prospects for refugees will be brighter than they have been for any time in the last decade.</p> <p>This does not mean, however, that the problems confronting the continent are over. Despite progress, a number of West and Central African States remain volatile, there is renewed tension between Eritrea and Ethiopia and an escalating guerrilla war in western Sudan.</p> <p>UNHCR has identified Africa as the region in greatest need of resettlement places in the coming year and has enhanced its identification capacity by establishing Regional Resettlement Hubs in Accra and Nairobi and by increasing staffing.</p> <p>Australia has appropriately responded by establishing a regional focal point, enhancing its own identification capacity and by increasing the proportion of the program allocated to Africa. In addition, work has been done to streamline processing of Special Humanitarian Program applications and pilot pre-embarkation information programs have commenced. The Refugee Council sees these as necessary and appropriate responses to meeting a resettlement need which will appropriately be the major focus of the humanitarian program for several years to come.</p> <p>The following is a summary of some of the developments on the continent in the last 12 months that have had the greatest impact on resettlement needs. It is not, however, a full overview of geopolitical developments, nor does it purport to cover every relevant caseload.</p> <p>HORN OF AFRICA</p> <p>SUDAN</p> <p>Sudan has, appropriately, been the main focus of resettlement from Africa since the refocusing of the program on Africa in the early 2000s. The last year has seen many developments in the country, some very hopeful, others very troubling. One thing that has remained unchanged, however, is the ongoing need for resettlement places.</p> <p>When considering recent developments in Sudan, it is necessary to focus on two separate regions – the South and Darfur – though it must not be forgotten that there are other groups within the country with protection needs best met through resettlement.</p> <p>Southern Sudan</p> <p>January 2004 saw the government of Sudan and the rebel Sudan People's Liberation Army (SPLA) reach a long awaited wealth-sharing agreement that it is hoped will bring them one step closer to a comprehensive peace deal. If all goes well in coming months, there could be an end to the longest-running conflict in Africa which, over the last 20 years, has claimed at least 1.5 million lives, displaced some 4 million people and created over ½ million refugees (some 223,000 in Uganda, 95,000 in Chad, 88,000 in Ethiopia and 69,000 in Kenya).</p> <p>Anticipating the signing of an accord, UNHCR has begun to draw up plans for repatriation of refugees from neighbouring states and there has already been</p>

considerable spontaneous return. An estimated 150,000 people have made the journey back from Kenya, Ethiopia and Uganda to the Nuba Mountains alone, since a cease-fire was declared in the region last year.

This being said, many obstacles face the returnees, not least the issue of access to land due to the appropriation of fertile land by the government for mechanised state-run farms and the expansion of activities by international oil companies.

It is also necessary to recognise that even if the peace accord is finalised and holds (noting that the Sudanese Government has a bad track record when it comes to adhering to such agreements), the agreement envisages a 6-year implementation period. It must therefore be stressed that the Southern Sudanese problem is far from resolved and it is far too early to begin even to consider phasing out resettlement.

In this regard, it is very important to acknowledge that many Sudanese refugees face serious protection problems in the countries of first asylum:

- Sudanese refugees in Uganda have been the victims of serious human rights violations at the hands of the SPLA and the Ugandan rebel group, the Lord's Resistance Army. Reference is made to a LRA attack on Abia camp in early February 2004 in which 54 refugees were killed and another attack by the LRA, the details of which are just emerging at the time of writing, that resulted in the deaths of over 190 refugees. In addition, refugees also face problems from Ugandan authorities. Just days before the previous incident, soldiers taking part in a military operation in Pabbo Camp, 400km north of Kampala, lit a fire that destroyed some 4,000 houses and left 30,000 people homeless. The vulnerability of refugees in Uganda heightens the need for resettlement places, not least for women who are particularly vulnerable, being at risk of exploitation and abduction by both the LRA and SPLA.
- It is widely recognised that the security conditions in the Kenyan camps of Kakuma and Dadaab are poor and there are especially vulnerable individuals within the camps for whom resettlement options are needed. In addition, there are also Sudanese in Kenya who are unable to live in camps for protection-related reasons and for whom resettlement is seen as the only solution.
- Sudanese refugees in Egypt are subjected to xenophobia and there are few prospects for legal employment. Some of the Sudanese in Cairo have spent time in Khartoum where they were engaged in political activity. This makes them vulnerable to targeted attacks from Sudanese operatives in Egypt. This being said, it is important to note that reports indicate a significant improvement in access to UNHCR and to the necessary identity documents that afford some degree of protection for the majority of the refugees in Egypt. Resettlement remains, however, the only durable solution for protection cases and vulnerable groups such as women at risk and torture survivors. It is important that Australia be ready to respond to requests from UNHCR for emergency resettlement when a refugee is in imminent danger or faces *refoulement* or prolonged detention.
- Many Sudanese refugees in Ethiopia have been subjected to ethnically based violence in camps and have been denied freedom of movement, education and other basic rights. In addition, Sudanese refugees have been affected by the re-ignition of violence in Gambella. In January, the WFP and UNHCR were forced to withdraw from a camp near Dimma which houses 18,000 Sudanese. UNHCR has identified a resettlement need but its capacity to refer cases is hampered by lack of resources.

In addition to protection cases, it is also recognised that a number of groups, in particular Christians from eastern and western Equatoria, have a history of conflict with the Dinka dominated SPLA and are likely to experience problems if returned, and that there are refugees in Australia who have subsequently located widowed

mothers or orphaned relatives and wish to be able to assist them through the SHP.

It is thus argued that individuals from amongst the afore-listed vulnerable groups should be the core of the resettlement caseload of Southern Sudanese.

Darfur

Just as the Sudanese government and southern rebels have made dramatic progress during peace talks in Kenya toward ending their 20-year civil war, fierce fighting erupted in the remote Darfur in western Sudan, bordering Chad. The conflict that is receiving scant media attention has already claimed 3,000 lives and displaced 600,000 people out of a total population of one million.

The insurgency broke out last March. Rebels in Darfur complain of economic neglect by the government in Khartoum. Chadian mediation led to two ceasefires, which were violated. The two warring sides held a third round of talks in the Chadian capital in December but there was no breakthrough.



Sudanese refugees at a transit centre on the Chadian border.

UNHCR

Deepening the crisis, government and rebel fighters in the Darfur region have targeted aid workers, acts which have been widely condemned by humanitarian groups trying to deliver emergency food and medical supplies.

Estimates at the end of January put the number of Sudanese refugees to have crossed into Chad at about 120,000, with several thousand more arriving each week.

There are many logistical difficulties in terms of identifying resettlement cases from amongst the refugees in Chad but there are linked cases that can be considered under the Special Humanitarian Program. There are also Sudanese from Darfur in Egypt with family members in Australia whose cases are worthy of consideration because of the changed circumstances in their region of origin.

Other Sudanese Groups

It is important when looking at the resettlement needs of Sudanese not to focus only on the areas of active conflict. The imposition of Shari'a law in 1983 and the dominance of fundamentalist Islam have caused problems for various groups in the wider Sudanese community. Coptic Christians have been especially affected

and this has been appropriately recognised for many years in the composition of Australia's humanitarian program. RCOA contends that it is relevant not to lose sight of the resettlement needs of Sudan's minority ethnic and religious groups and of political opponents and others affected by the fundamentalist regime.

SOMALIA

For more than 12 years, civilians in Somalia have been punished by cycles of violence, displacement, drought and flooding. With no recognized central government, these factors have brought agricultural development to a standstill, perpetuated extreme poverty, and forced millions of Somalis into a hand-to-mouth form of survival.

Of more than 800,000 people who fled Somalia in 1991 and 1992, during the heart of the crisis that began the nation's downward spiral, almost half are still living as refugees in surrounding countries. Inside Somalia, up to 450,000 people remain displaced, with 150,000 scraping together an unstable existence in camps in the capital Mogadishu.

Civilians are still routinely caught in frequent armed clashes between the myriad of clan-based militias that remain active throughout much of the country. Persistent violence and a lack of international funding have hindered aid agencies from mounting an effective response to the immense needs in the country.

Talks between 40 of Somalia's warlords resumed in Mombassa in early January. Despite pessimism that these talks would fail like those that had gone before, the end of January saw an agreement in place between Somalia's feuding leaders to form a new government based along clan lines. This is the first deal of its kind to include all armed groups. The next step for the Somali leaders involved in the peace process will be to appoint a parliament, which will then choose the country's first national government since the dictatorship of Mohamed Siad Barre was overthrown in 1991.

It is far too early to say how successful this will be. Thirteen years of civil war have taken a heavy toll and even with peace, many will be unable to return. Resettlement will still be required for some time.

Resettlement, which the Council supports, is being sought by UNHCR for Somali refugees in:

- Kenya – in particular protection cases from Dadaab camp, including ethnic minority groups such as Somali Bantu;
- Eritrea – in particular ethnic minorities from Emkulu camp;
- Ethiopia – in particular vulnerable cases (eg women at risk) where the person came originally from Southern Somalia.

ETHIOPIA

January 2004 saw a flare up of tensions in the Gambella region in western Ethiopia. Gambella is home to many ethnic groups, who compete for land. The latest violence was sparked by an attack on a United Nations vehicle in early December and has led to fighting between ethnic Anyua (or Anuak) and Nuers. It culminated in a day of carnage on 30th January in which some 200 people were killed.

Up to 300 people have been arriving daily in the Upper Nile town of Pachala in Sudan in recent weeks, bringing to some 15,000 the number of refugees in the area.

While this latest group of refugees has not been yet considered for resettlement, there are a number of other groups of Ethiopian refugees scattered throughout the

region amongst which there are individuals for whom resettlement places are required. These include Ethiopian refugees:

- in Sudan: those determined to be in need of ongoing protection after having been through the screening process in 2000-01;
- in Somalia: refugees unable to return because of past political activities or affiliation to the Mengistu regime, as well as victims of violence and those who were forcibly recruited into the military;
- in Kenya: in particular former civil servants and others who are unable to return because of their past affiliations and who face legal and physical protection problems in the camps. There is also a population of Ethiopian Oromo in Nairobi who are unable to reside in the camps for protection reasons and for whom resettlement has been identified as the only option.

ERITREA

Eritrea is currently facing a humanitarian crisis. UN figures released in January show that 1.9 million of the country's 3.5 million people are dependent on food aid and two thirds of the population are living below poverty levels. The crisis has been exacerbated by the failure of donors to meet commitments because of diversion of funds to the Iraq war and by the return of 110,000 refugees from Sudan.

In addition, tensions between Eritrea and Ethiopia remain high and are disrupting the supply of much needed humanitarian aid. As a result of delays in defining the border between the two countries, about 60,000 people have been unable to return to their villages and are forced to live in refugee camps.

While there are not large resettlement needs for Eritrean refugees, it is appropriate that consideration be given to:

- those who have been made effectively stateless by the ongoing dispute between Eritrea and Ethiopia;
- Eritrean refugees in Ethiopia who have particular protection needs;
- Eritrean refugees in Sudan with ongoing protection needs.

The Refugee Council would also like to draw attention to worrying reports received from the Eritrean community that a growing number of young, predominantly, male refugees who are frustrated by the lack of security and high levels of discrimination in Sudan are being lured by smugglers to go through the desert to Libya. Many reports suggest that the smugglers are cheating the would-be asylum seekers, taking their money and leaving them in the desert where they inevitably perish.

EGYPT

Despite encouragement from the international community, Egypt has failed to make the hoped for advances in relation to human rights observance. Allegations of torture or ill-treatment have been made by people from all walks of life, including children, women, political activists, religious minorities, people arrested in connection with criminal investigations as well as those held in custody without being accused of or charged with any specific offence. Certain groups of people, including refugees and those detained because of their sexual orientation, are particularly vulnerable. Political detainees report the use of torture. The vulnerability of particular groups within Egypt is relevant to note in relation to consideration of applications for resettlement.

WEST AFRICA

LIBERIA

Six months after a peace pact was signed to bring an end to Liberia's 14 years of civil war, the West African state is still in a highly precarious position. In many places, civilians are living with the same level of abuse, fear and intimidation as prior to the signing of the peace agreement in August 2003.

Liberia was plunged back into war with the 1999 rebel uprising to oust Charles Taylor, who claimed the presidency two years earlier at the end of his own rebellion begun in 1989 against the slain Samuel Doe. The back-to-back civil wars killed some 300,000 of Liberia's 3.3 million people and made refugees of one in five. Taylor accepted exile in Nigeria last August, allowing peacekeepers to deploy in and around the capital Monrovia, which is crowded with 1.4 million people. It must be noted, however, that not all of the peacekeepers have made a positive contribution. There have been reports of Nigerian troops engaging in human rights abuses and arbitrary executions and their presence has caused considerable local hostility in the areas in which they have been operating.

Outside Monrovia the humanitarian and human rights situation remains alarming. Human Rights Watch issued a report in January 2004 documenting cases of *inter alia* rape, looting and forced labour and noted the ongoing displacement of 460,000 people.



IDPs in Liberia being transported to a camp.

UNHCR

One of the major deficiencies in the Liberian peace process has been the failure to establish any form of truth and reconciliation commission. The war crimes court headed by Geoffrey Robertson QC has an important role to play but it has little impact on the people in the towns and villages who were the real victims. Unless the atrocities of the past are adequately addressed, wounds are likely to fester and sustained peace will remain elusive.

The deployment of UN peacekeepers is in the process of being expanded to regional centres. Their presence is seen as most important in the northeastern province of Nimba County. All three warring parties: Taylor's former armies and two rebel groups with their own allegiances to the nations on either side, have a presence in Nimba, trapping the war-weary population between them and there have been recent reports of heavy fighting.

On a positive note, the donor conference convened in early February 2004 was successful, with pledges meeting the forecast needs. Analysts warn, however, that without long-term international commitment to disarm and reintegrate fighters in Liberia's back-to-back civil wars into civilian life, no amount of financial aid will ensure a transition to a peaceful and democratic state.

Liberian refugees are scattered throughout the region and many have been subjected to multiple displacements as conflicts have erupted in neighbouring states. Attention is drawn to the resettlement needs of Liberian refugees in:

- Guinea: in particular those with strong Convention claims (including Liberian Krahn and Mandingo), victims of multiple displacements, survivors of violence and abuse, and women at risk cases;
- Ivory Coast: in particular refugees affected by the ongoing conflict there and the resultant increasing xenophobia. Large numbers of Liberians are being resettled in the USA and Nigeria but additional resettlement places are required;
- Ghana: in particular women at risk, survivors of violence and others identified as protection cases;
- Sierra Leone: refugees have been victimised by locals who blame Liberia for the troubles in their own country. Female headed households, victims of violence and survivors of torture are seen as priority resettlement cases.

IVORY COAST

Until quite recently, the Ivory Coast was considered to be one of the most prosperous and peaceful nations in West Africa. In September 2002, however, a localised rebellion erupted into civil war. Civilians living in the war zones were exposed to extreme violence inflicted upon them by the various warring parties and conflicts between locals and outsiders over land ownership drove yet more people from their homes.

A peace accord was signed in January 2003 that saw former rebel groups join an interim government, but tensions remained high throughout 2003 and one rebel group split from the government in September. Militia activity continued in the west of the country and the same area was affected by the conflict that occasionally spilled over the border from Liberia.

The Ivory Coast's economic importance (it is the world's largest exporter of cocoa and the port of Abidjan is the largest in West Africa) prompted much international interest in restoring peace. Some 4,000 French and 1,200 African troops were brought into the country to enforce the cease-fire.

The beginning of 2004 saw the breakaway rebel group agree to rejoin the power-sharing government, although this process in itself has to be questioned as the inclusion of rebel groups in the government is effectively rewarding those who were the perpetrators of gross abuses of human rights.

Resettlement need for refugees from the Ivory Coast is not high but there are especially vulnerable cases such as women at risk and those with a history of multiple flight who are worthy of consideration.

SIERRA LEONE

Sierra Leone's devastating civil war, which was characterized by egregious human rights abuses by all sides, was officially declared over in January 2002. The deployment of a 17,000-member UN peacekeeping force and an arms embargo contributed to the disarmament of some 47,000 combatants and the successful completion of presidential and parliamentary elections in May 2002.

A Truth and Reconciliation Commission has been established in Sierra Leone and this is seen as making an important contribution to the progression towards sustainable peace.

While much optimism has been expressed about these and other developments in Sierra Leone, it must be noted that:

- the deep-rooted issues that gave rise to the conflict - endemic corruption, weak rule of law, crushing poverty, and the inequitable distribution of the country's vast natural resources - remain largely unaddressed;
- donors are becoming increasingly concerned about the government's failure to undertake agreed projects and introduce agreed reforms;
- reintegration programs for former combatants have been deficient;
- while there was popular support for the government at the recent elections, the former combatants by and large supported the unsuccessful candidates;
- the UN peacekeepers are on schedule for withdrawal at the end of 2004;
- the ongoing instability in Liberia has the potential to destabilise Sierra Leone.

In the last year, much of the focus has been on repatriation rather than resettlement. This being said, it is important to monitor developments closely and to recognise that there are still refugees from Sierra Leone in neighbouring states who are unable to return.

While the number of resettlement places is smaller than in previous years, resettlement is required for residual cases with specific protection needs. As a case in point, the Council's attention has been drawn to the plight of former sex slaves who have been ostracised by their own community and are in extremely vulnerable situations. It is also suggested that Australian selection missions go beyond Conakry and consider cases in camps such as N'zerekore and Kissidougou where some of the more vulnerable ethnic minorities such as the Kissi and Kono people reside and look too to Samukai camp in Liberia.

WESTERN SAHARA

It would seem that there might be a glimmer of hope for the nearly 200,000 refugees from Western Sahara (Saharawis) who have spent almost 3 decades in Algeria. Former US Secretary of State, James Baker, has been involved in negotiating a UN sponsored peace plan between the warring parties. In a surprise move last July, the Polisario Front rebel group, which seeks independence, dropped its opposition to the plan but Morocco opposed it on grounds that it could end the country's sovereignty over the territory. Baker has continued negotiations with Morocco and at the end of January, the UN formally extended its mission to give Morocco more time to agree.

The dispute over the Western Sahara dates to 1975, when Spain abandoned the territory and Morocco annexed it, moving in settlers to the mineral-rich region. The peace plan would give Western Sahara immediate self-government and require a referendum within five years on whether it should become independent or remain part of Morocco.

The Saharawis are not seen as a resettlement caseload but are an important group to monitor because of their size, the longevity of their exile and the possible need for consideration of individual cases.

CENTRAL AFRICA

BURUNDI

Burundi is another of the countries in Africa where there has been very positive developments in the last 12 months. After 10 years of civil war that pitted the majority Hutu population against the minority Tutsi led army and government and

claimed more than 300,000 lives, real progress towards peace has been made. In October a ceasefire agreement was reached between the Defence of Democracy (FDD), and the Tutsi-led government and in January, the last remaining combatant group, the National Liberation Forces (FNL), began talks with the Government (although at the time of writing there were regular reports of fighting between the FNL and the government).

Prior to the October agreement, repatriation was limited to only about 200 people per year. Since then, about 2,000 refugees are returning from Tanzania each week and UNHCR anticipates that some 300,000 will return during the course of 2004.

Ten years of war have taken a heavy toll on the country. There has been major disruption to essential services and life expectancy has plummeted from 60 to 40 years. The return of large numbers of refugees will place a heavy burden on the country and the importance of international donor support cannot be underestimated.

While it is anticipated that, should the peace hold, the majority of refugees will return, it is important to recognise that there will be individuals and groups who cannot return. These are seen to include:

- refugees in mixed marriages and their children;
- refugees who have been out of Burundi for long periods (often more than 30 years) and who have no local integration prospects;
- urban refugees with a history of individual persecution;
- those with immediate protection needs, including women at risk cases.

The Refugee Council notes the undertaking made by then Minister for Immigration, Philip Ruddock, after his visit to Tanzania in 2002 to make available 300 places for refugees for Burundi. RCOA is not aware of these places having been filled and questions why this has occurred.

CENTRAL AFRICAN REPUBLIC

There was a military coup in the Central African Republic (CAR) in March 2003 that deposed the civilian government of President Ange-Felix Patasse. In the chaos that ensued in the lead up to the coup, more than 40,000 people found refuge in southern Chad, especially in Gore, Maro, and Ndanamadji. There are also significant numbers of refugees from CAR in the Democratic Republic of Congo.

Instability continues and violence has spread across the border into Chad and violent ethnic skirmishes persist along the border with Sudan.

CAR refugees considered in need of resettlement places include:

- ethnic minorities , in particular members of the Yakoma ethnic group, who have been politically active. This includes students;
- people closely associated with the former civilian regime, including civil servants, and people with a political profile.

DEMOCRATIC REPUBLIC OF CONGO

Twenty years of neglect and near-continuous war in the Democratic Republic of Congo (DRC) have claimed the lives of millions and left the essential services of the country in ruin. In the last five years alone, some groups estimate that three million people have died - mostly from preventable disease and famine indirectly caused by the conflict.

While the carnage in the eastern DRC, especially in the north eastern city of Bunia, received a fair amount of media attention in early 2003, the relentless terror endured by tens of thousands of people in the surrounding areas barely registered. In these regions, rival armed groups, backed by foreign interests, vied for power in a civil war that inflamed local tensions and destabilized the country, mainly through organized violence against civilians.

The tide, however, began to turn as 2003 progressed. In April, the government and rebel groups came to an agreement that established a transitional constitution which is set to be the basis of governance in this vast country over the next two years, and on 30 June a power-sharing government was formed. In July, the UN Security Council adopted a new resolution giving the peace-keeping troops (MONUC) a stronger mandate and increasing their strength. The hope now is that the UN forces will be able to help restore peace to those areas of the country still in conflict, though it is acknowledged they are facing an uphill battle in many areas, not least in the Ituri and Kivu regions in the east of the country.

It is important to note also that in 2004 there has been a fresh outflow of refugees into Zambia from the southeastern region near the towns of Pweto, Kalemie and Moba following attacks from a group of Mai Mai militia which included the use of rape and sexual violence.

Resettlement is seen as an important protection tool for certain groups amongst the refugees from DRC, in particular:

- people with a political profile (including former politicians and administrators and traditional chiefs) that would preclude return;
- human rights activists;
- members of collective associations;
- those at risk from rebel groups operating outside the country (especially in Uganda);
- members of the Banyamulengue ethnic group, in particular those in Rwanda facing forced return and those in other countries facing discrimination and/or who are in mixed marriages; and
- those facing particular difficulties integrating into their host country, in particular victims of violence and women at risk.

REPUBLIC OF CONGO

The Republic of Congo (RoC) was enveloped in a civil war between 1997 and 1999 which caused substantial displacement. While the majority of refugees have returned, there remain a relatively small number of refugees for whom resettlement is sought. These include RoC refugees:

- in Gabon who are unable to return and are seen as being in need of resettlement. These are predominantly university educated former government officials from the Ndzebi, Kougui and Puna ethnic groups;
- in DRC from the Bacongo ethnic group who have a similar profile to those in Gabon.

RWANDA

1994 Rwandan genocide led to the deaths of up to one million people, mostly ethnic Tutsis and moderate Hutus, who were slaughtered by Hutu extremists. It also forced about two million Rwandans into exile and ten years later, about 75,000 remain in several African countries, 30,000 of these in DRC and 25,000 in Uganda.

January 2004 saw the commencement of what is hoped to be a major UNHCR-sponsored repatriation exercise. The first group were repatriated from Mbarara district of southwestern Uganda. UNHCR has also embarked on information campaigns to tell the Rwandan refugees in Uganda, DRC, Zambia and Zimbabwe that it is safe to go home and preparing repatriation support for those who choose to return.

While resettlement needs for Rwandans are not large, there remain individual refugees with particular protection needs, including women at risk and couples in mixed marriages with dependent children, for whom resettlement is deemed the best option.

SOUTHERN AFRICA

ANGOLA

With the signing of the cease-fire agreement on 4 April 2002, Angola took its first tentative steps towards the end of 30 years of almost continual war and a commitment to peace and a hopeful future for the Angolan people. Angola remains in need of immense reconstruction assistance. It has been devastated by the war and is also one of the most heavily mined countries on earth with an estimated 15 million land mines in a country of only 12 million people.

Many communities in Angola face tremendous challenges as Internally Displaced Persons (IDPs), returning refugees, demobilised UNITA and FAA soldiers, residents and the municipal administrations re-establish themselves in their places of origin and attempt to re-build their lives. It is estimated that about 3½ million IDPs have returned to their areas of origin or preference and over 830,000 remain displaced.

It is also estimated that some 100,000 Angolan refugees returned home during 2003: 70,000 as part of the official UNHCR/Government of Angola Voluntary Repatriation Program and 30,000 returned spontaneously. The official program commenced on 20 June 2003 with a convoy from DRC. Of the 70,000 official returns, 36,000 were from the DRC, 30,000 from Zambia and 4,000 from Namibia. The Repatriation Program was suspended at the end of November due to the onset of the rainy season, and is anticipated to re-commence in April/ May of 2004.

Returning Angolan refugees are facing many challenges to reintegration. In addition to being heavily mined, the areas to which Angolan refugees are returning are for the most part isolated and under-developed. Often the most basic infrastructure is lacking such as roads, water points, health posts and schools, to which must be added the dearth of rehabilitation programs for landmine victims.

It is estimated that of the approximately 250,000 Angolan refugees who are still in neighbouring countries, about 170,000 will return to Angola in 2004.

While resettlement is not seen as the preferred option for the majority of Angola's refugees, there are particular groups who are seen as being in need of resettlement. These include:

- small numbers of people who were closely associated at a political level with UNITA;
- similarly small numbers from the Angolan enclave of Cabinda who are prevented from returning because of ongoing fighting in the province.

ZAMBIA

Despite the fact that Zambia has enjoyed a good measure of political stability over

the years, it is important to note that there is growing anti-government resentment amongst the population. The economic situation is deteriorating and the government is being assertive in its efforts to silence its opponents. Some view this as a recipe for civil unrest and thus it is important to monitor the situation carefully.

ZIMBABWE

The deteriorating human rights situation in Zimbabwe is the continuation of a consistent pattern of human rights abuses over the past 3½ years. These abuses began shortly before the parliamentary elections of June 2000, and they were linked both to the rising popularity of the main opposition party, the Movement for Democratic Change (MDC), and the February 2000 defeat of the government's proposed new constitution in a referendum.

Spontaneous as well as state-sponsored invasions of white-owned commercial farms occurred throughout 2000, and the government failed to take firm action against the violence and lawlessness that accompanied these invasions. Police often refused to take action or even document reports of human rights violations on occupied farms. The government's actions during this period allowed the "war veterans" who had led the occupations of commercial farms to carve out their own zones of authority.

Clear lines of authority and jurisdiction have been eroded by a gradual militarisation of normal policing activities. The military has become increasingly involved in food distribution, electoral management and other activities that would naturally fall under the mandate of the Zimbabwe Republic Police. The increasing disorder in this sector has created a permissive environment for continued violations of personal security and basic rights, even in the event of a substantive change in government policy.

The severity of human rights abuses has increased in the last year and there are now clear signs of direct involvement of formal state institutions in such abuses. Previously, so called "war veterans", youth militia and ruling party activists had been responsible for most of the violence and intimidation of opposition party supporters but in 2003 Human Rights Watch documented cases where violent human rights violations had been carried out by uniformed army and police personnel.

As in past years, the Refugee Council is not identifying Zimbabwe as the source of a major resettlement caseload but notes the importance of consideration of individuals with special protection needs that cannot be met in the region.

<p>MIDDLE EAST</p>	<p>35%</p>	<p>The last 12 months have seen major changes in the Middle East, not least the overthrow of the brutal regime of Saddam Hussein. What they have not brought, however, is resolution or clarity. It can be argued that the situation in both Iraq and Afghanistan is far more complex and confused than it was at this time last year and that it is much more difficult to make an informed assessment about the future of the millions of refugees in the region.</p> <p>This being said, it must be acknowledged that:</p> <ul style="list-style-type: none"> ▪ most especially vulnerable refugees are no less vulnerable than they were 12 months ago and thus it is important that the confusion is not used to delay the processing of such resettlement cases; ▪ even if there is a peaceful transition to democratic rule in both countries, it is far too early to consider reducing the size of the resettlement allocation to the Middle East. It must be recalled that for 6 years after the signing of the Dayton Peace Accord, refugees from the former Yugoslav states made up approximately half of Australia's humanitarian program. <p>AFGHANISTAN</p> <p style="text-align: center;"><i>There is an Afghan proverb which says "one flower is not the sign of spring"</i></p> <p>Peace building in Afghanistan can be seen as a two-track process. In early January 2004, delegates at the grand council, or Loya Jirga, agreed to a new constitution, the latest in a series of political reforms paving the way for presidential, and possibly parliamentary elections, scheduled for mid 2004. These changes, laid out in the Bonn agreement, the deal signed after the fall of the Taliban, are continuing apace in the capital, Kabul. But in the provinces, particularly in the south and southeast, insecurity is part of everyday life. A third of the country is off-limits to the international community.</p> <p>Southern and southeastern Afghanistan have been hard-hit by an apparent resurgence of the Taliban and their Al-Qaeda allies who have increasingly targeted aid workers as well as government troops. More than 400 people have been killed in the past five months in violence blamed on remnants of the ousted Taliban militia. The 12,500-strong US-led coalition is actively involved in hunting down Taliban and Al-Qaeda militants in the region, though many argue that their presence is more destabilising than positive because of their heavy-handed tactics.</p> <p>A number of well-publicised bombings in recent weeks have highlighted the lack of security in the country. Kabul itself, seen to be much safer than most areas, experienced two deadly suicide bombings in late January. Insurgents took longer to show their hand in Afghanistan than they did in Iraq but it is now widely acknowledged that their activities have become a seriously destabilising factor in the country.</p> <p>The UN has pulled its international officials out of the region, as have most foreign aid agencies, because of murders and abductions. Voter registration for the presidential elections has ground to a halt in Kandahar after the mullahs of two mosques where it was being held were threatened and the UN Secretary General recently cast doubt on whether the elections could, in fact, go ahead. The World Food Programme is supplying less than half its promised amount of grain to the needy because lorry drivers and others fear for their lives.</p> <p>In a particularly alarming development, a group of ethnic Hazaras were massacred</p>
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by the Taliban on 6th January 2004 near the border between Helmand and Uruzgan provinces.

There is an inevitability that repatriation will slow, particularly if the elections are postponed. While some 2 million have returned since March 2002, this accounted for most of those who were anxious to return quickly and mirrored a similar repatriation in circumstances of ongoing instability in 1992-93. Many of the remaining Afghan refugees are far more cautious about the prospect of return and some will not be able to go back, despite the changes that have occurred.

RCOA argues that it is vital that the Australian Government does not turn away from Afghan resettlement, arguing that the need for resettlement places for especially vulnerable members of the larger refugee community has not diminished, nor is it likely to in the coming years.

Resettlement is especially important for Afghans in Iran. The Refugee Council's two reports on Iran (2001 and 2002) document the diminution of entitlements for refugees. Residence permits are no longer provided and employment is no longer allowed. Education and medical care are not available. Local integration is not at this time seen as a viable option and it is too early to tell whether the devastating earthquake in Bam in late December 2003 will make things better or worse for the Afghan refugees.¹⁰



Food distribution to Afghan Refugees in Pakistan

UNHCR

UNHCR considers resettlement of Afghans from Iran as an important component of its overall protection strategy for this group, as well as an expression of international solidarity with the Government of Iran that has hosted large numbers of refugees for over 20 years. Those seen as priority resettlement cases include:

- women at risk cases,

¹⁰

On the one hand, the construction industry has, for many years, depended heavily on Afghan labour – even on black labour once the work bans were imposed. The immense reconstruction needs in Bam might highlight the value of allowing the Afghans to remain. On the other hand, Iran has been so shocked by the enormous losses and will need to devote considerable resources to assisting the affected population, that the government might harden its attitude to “foreigners”.

- female headed households with no male support,
- family reunification cases,
- those opposed to the Mujahedin or sections of the interim government for political, ethnic or religious reasons and thus would be at risk on return, and
- people with links to the former Najibullah regime.

Afghan refugees in Pakistan are also facing increasing problems. Since 1998 the government has considered newly arrived Afghans as illegal immigrants and they may be arrested and detained by the authorities under the Foreigners Act.

Resettlement out of Pakistan has some additional complications (due to concerns about the creation of pull factors) but is being sought for a number of groups including:

- women at risk cases,
- female headed households with no male support,
- family reunification cases,
- survivors of violence and torture,
- those whose ethnic, religious or political status would place them at risk if returned.

IRAQ

It was initially hoped that the overthrow of Saddam Hussein's regime in Iraq would bring stability to the country and open the way for the return of Iraqi refugees from Jordan, Syria, Lebanon, Saudi Arabia, Iran and elsewhere in the region. The continuing uncertainty as to the nature of the new government in Iraq, however, together with the general lack of peace and order in the country and the intermittent fighting in various regions, render it almost impossible to make any kind of assessment about which groups will benefit from the changes and which groups will need extra-regional solutions.

One thing is, however, clear. UNHCR does not consider the situation in Iraq to be conducive to voluntary return.

While it is still believed that there will come a time when return is viable for the majority of refugees, it is apparent that there are refugees whose need for resettlement has not been diminished by the events of the last 12 months and where it is not necessary to wait until there is greater clarity about the future shape of Iraq to make an assessment of their suitability for resettlement. This includes individuals in the following groups:

- survivors of torture and extreme violence,
- victims of gender-based persecution,
- women at risk,
- family reunification cases,
- minority ethnic groups,
- potentially stateless persons,
- those vulnerable to religious or social-based persecution, and
- actual or perceived supporters of the former regime (excluding those implicated in human rights abuses).

It is also relevant to note signs of potential trouble emanating from Iraqi Kurdistan. Kurdish leaders have made it clear that they will not endorse the US transition plan for Iraq unless it includes guarantees for autonomy involving disputed territory extending as far south as central Iraq. Included in their demands is the Kirkuk region which contains 40% of the country's petroleum reserves. The Kurds also want to remove tens of thousands of Arabs that Saddam Hussein's government moved into the area and bring back tens of thousands of Kurdish refugees he expelled.

Forming a government without the Kurds, until now the most enthusiastic

supporters of the US-led invasion and occupation of Iraq, would mean de facto disintegration of the country.

Kurdish aspirations in Iraq have also caused significant alarm in neighbouring Turkey, Syria and Iran. Each has its own Kurdish minority, and all have warned of turmoil if Iraqi Kurds gain significant autonomy. Turkey is particularly worried about the Kurdish demands, fearing that this will reignite the 15-year war for autonomy that Turkey's Kurds fought that claimed some 37,000 lives.

RCOA stresses that the situation in Iraqi Kurdistan and its potential destabilising effect in the region is something that will require careful monitoring.



Iraqi refugees near the Jordan-Iraq border.

UNHCR

IRAN

Reformists in Iran continue to strive for greater freedoms, though the progress has been far from even or easy for those who are challenging the repressive grip the hard-line clerics of the Guardian Council hold over the country.

This has recently been highlighted by the walk out by more than 100 Members of Parliament over the refusal by the Islamic clerics to lift a ban on 2,400 reformist candidates standing for the 20th February elections. The elections themselves were shrouded in controversy. They were clearly not free or fair and the distortion of the electoral process resulted in a major setback for the reformers who lost considerable ground.

Since the 1979 revolution that overthrew the Shah, Iran has turned inward, distancing itself from its Arab neighbours and taking a strong anti-western stance. The ruling clerics have generated fear by portraying a threat to the country from outside. It is now becoming increasingly clear that the threat to their rule is coming from inside the country, with more and more moderate elements demanding greater power for the elected government of President Khatami and greater freedoms for the people. The recent election results are sure to reignite the frustrations of the students, women's groups and others spearheading the reform movement.

While there is a certain inevitability that this movement will succeed in the long

term, it is clear that a number of people will be forced to suffer along the way. These include those perceived to be a threat to fundamentalist aspirations of the powerful Guardian Council and those who cross the local militias who operate outside the law under their protection. Vulnerable groups include:

- members of religious minorities that are not recognised under the constitution,
- other religious and ethnic minorities;
- individuals who refuse forced conversion to Islam,
- political activists, including students and feminists, and
- social group activists such as homosexual men and lesbians.

Resettlement continues to be the preferred durable solution for many individual refugees from amongst these groups.

TURKEY

Since the early 1990s, thousands of Kurds from Turkey's southeast have fled across the border into Iraq to escape a bloody conflict between the Turkish army and Kurdish rebels who, in 1984, launched an armed campaign for self-rule in the area. The 15-year conflict saw the Turkish army forcibly evacuate villages in a bid to cut off supplies to Kurdistan Workers Party (PKK) militants hiding in the mountains. Other families, who sympathised with the PKK, also crossed into Iraq.

More than 9,000 of the Turkish Kurd refugees have been living in the Mahmour refugee camp, located near the northern Iraqi city of Mosul, since 1997, much to the annoyance of the Turkish Government that has argued that the camp is a haven for the PKK. There are also several other refugee camps near the northern Iraqi cities of Dahuk and Arbil, sheltering 3,700 Turkish Kurds.

Since 1997, some 2,200 refugees have returned home to Turkey with assistance from the UNHCR. In late January, officials from Turkey, the USA and UNHCR reached agreement on the repatriation of a further 13,000 Turkish Kurds from Iraq. This agreement, which at the time of writing was still awaiting ratification by the Turkish Government, is viewed as a very important development.

As with all such repatriation programs, it is inevitable that there will be individuals whose needs cannot be accommodated. RCOA urges the Australian Government to be responsive to requests from UNHCR for resettlement assistance.

ELSEWHERE IN THE REGION

It must be stressed that the above does not cover all countries or list all vulnerable groups in the region and that it is important that the program not exclude potential resettlement candidates simply on the basis of the fact that they are not part of an identified caseload. In this regard, the Council makes reference to:

- ongoing repression in **Syria**, in particular of political opponents and human rights defenders;
- the ongoing vulnerability of **stateless Palestinians, Bidoons** and other stateless groups;
- the absence of any solution in the conflict between **Israel and Palestine**.

REGION	% OF TOTAL	ISSUES FOR CONSIDERATION
EUROPE	7%	<p>As previously mentioned, refugees from Europe (especially the Balkans) made up the largest group in Australia's humanitarian program for much of the 1990s. Appropriately this proportion has diminished as the obstacles preventing return or local integration have one by one been removed.</p> <p>It is important, however, that resettlement states do not turn away too soon. As will be discussed below, there are still over ½ million refugees and IDPs in Serbia and Montenegro. This is a massive burden for a country that is far from stable and whose economy has been decimated by 15 years of war.</p> <p>The fact that Australia has a large population who originated in the region means that it has both the capacity to assist with residual cases and a strong community interest in this occurring. RCOA argues that it is necessary to retain a focus on Europe in the humanitarian program to assist meet the unresolved needs of refugees from the Balkans.</p> <p>The Council also notes that this is not the only part of Europe with a refugee caseload and that consideration should also be given to the part Australia can play in assisting UNHCR with the Eastern European caseload.</p> <p>THE BALKANS</p> <p>BOSNIA-HERCEGOVINA</p> <p>Since the signing of the Dayton Peace Agreement in 1995, nearly a million refugees and displaced persons have returned to their pre-war homes in Bosnia-Herzegovina. Some 720,000 people have returned to their homes in the Muslim-Croat Federation and just under 250,000 to the Serb Republic.</p> <p>Over 40% of the returnees have gone to areas where their ethnic group is in a minority and in the first 11 months of 2003, 43,000 out of 51,000 returnees were members of minority communities.</p> <p>This is obviously very important in terms of finding durable solutions for those Bosnians who have only temporary residence or are in collective centres in the region. This being said, it is important to acknowledge that there remains a small but significant number of Bosnians who, due to the severity of their trauma during the war or their personal circumstances, are unable to return.</p> <p>There are also instances where people have returned:</p> <ul style="list-style-type: none"> ▪ to their home region in Bosnia but have been unable to reintegrate because of local hostility; or ▪ to another part of Bosnia because of their inability or unwillingness to return to an area in which they are in a minority, and have not been able to establish themselves after return. <p>The Bosnian community in Australia is keen to provide assistance to such people and the need for places to be allocated under the Special Humanitarian Program is stressed. Included in this should be provision for consideration of cases where the people are inside Bosnia Herzegovina but are facing substantial discrimination and/or are living as IDPs.</p>

CROATIA

The new centre-right government that took office at the end of December 2003 has pledged to heal the wounds remaining from the 1991-95 Serbo-Croatian war and improve cooperation with ethnic Serbs, a precondition of the country's membership in the European Union. Under a recent agreement reached with the country's main Serb political party, the new president pledged that they would regain possession of their properties by the end of 2004.

By the end of 2003 over 100,000 Croatian Serbs had returned to their homes and around 230,000 other uprooted people had also gone back. This being said, it is important not to lose sight of the fact that there are still some 220,000 Croatian Serbs in exile, mostly in the Republic of Serbia and Montenegro (SiM).

It has long been considered that the best options for the Croatian refugees are either local integration or repatriation but there have been significant obstacles to both.

Many refugees in SiM face marginalisation and discrimination, despite the regularisation of their status. It has been all too easy for the local population to blame the refugees for the country's poor economic situation and lack of substantial change since the overthrow of the Milosevic regime.

On the other hand, the inability up until now for many Croatian Serbs to reclaim their properties has been a major factor preventing return. The fact that it appears that real progress might be made in this regard is highly significant and it might well open the way for a new wave of returnees.

This being said, the same applies to the residual Croatian caseload as to the Bosnian. While most can find regional solutions, there will remain for some time smaller numbers of refugees who have particular vulnerabilities that can best be served through resettlement. Included in this group are concentration camp survivors, torture victims, women at risk cases, mixed marriages and persons of mixed ethnicity.

SERBIA AND MONTENEGRO

The big ultra-nationalist gains in the 28th December parliamentary elections send a worrying signal that the Republic of Serbia and Montenegro (SiM) is veering sharply to the right and that Milosevic-style vendetta violence could intensify.

Political killings were a dark hallmark of Milosevic's ruinous 13-year rule. They have continued since his ousting in 2000 and his extradition to the UN War Crimes Tribunal in The Hague where he is being tried on 66 counts of war crimes, including genocide. Highlighting the instability there, in March 2003 the Prime Minister Zoran Djindjic was assassinated and since then other key reformists have received death threats.

There have also been reports that in early 2004 leaflets appeared in two Serbian towns that have large Muslim minorities, warning "you will be another Srebrenica", referring to the town where Bosnian Serbs massacred up to 8,000 Muslim men and boys in 1995. Threats have also been made to members of Serbia's ethnic Croatian minority.

These are worrying developments, both for SiM's future and for the 345,000 refugees who are living there, and it is argued that the situation requires careful monitoring.

In addition, attention is drawn to the 200,000 Kosovo Serbs who are technically

not refugees as they are within their own country but for all intents and purposes face many of the challenges of refugees. While they fare better than the other groups, they are still confronting many difficulties in SIM, not least in terms of securing employment and housing. Consideration of linked cases under the Special Humanitarian Program is recommended.

EASTERN EUROPE

Since the cessation of the Special Assistance Category for Jews out of the former Soviet Union, there has been comparatively little focus on Eastern Europe as a source for resettlement cases. In many ways this can be justified when the regions' needs are compared to those of Africa and the Middle East, but the Refugee Council argues that it is important not to forget this region completely.

The countries of Eastern Europe are characterised by weak economies and high rates of unemployment, This gives rise to xenophobia and the tendency to scapegoat refugees for the prevailing social and economic problems.

The largest single caseload of refugees identified for resettlement in the region is that of the refugees from **Chechnya** in Georgia. Unless Chechens have family links, local integration prospects are low and resettlement is seen as the only viable durable solution.

The Czech Republic is also hosting several thousand Chechens and the numbers are placing a great strain on the infrastructure. Many of the refugees are being housed in temporary accommodation without proper cooking, heating or sanitary facilities.

It is also significant to note that there are still almost 49,000 Chechens who are IDPs in Ingushetia, 3,700 of whom are still in tented camps. This is significantly down on the numbers 12 months ago when there were about 200,000 IDPs in Ingushetia. The rate of return has, however, slowed as many of those who remain are those who are afraid of returning to their homes. The Russian authorities, keen to promote return, continue to make threats to close the camps though no action has yet been taken. The situation warrants careful monitoring.

When discussing Eastern Europe, it is also relevant to make reference to:

- The refugees from outside the region who are in the former Soviet states: despite many legal improvements in the region in recent years, many of these refugees (predominantly from Africa and the Middle East) encounter many bureaucratic and cultural obstacles, including racism and discrimination. Resettlement is seen as important for vulnerable cases.
- The expansion of the European Union eastward: in May a further 10 countries will become part of the EU. It is important to monitor the impact this will have on minority communities within these states (in particular the Roma who have been victims of significant discrimination, at times amounting to persecution), on protection capacities within the new EU states and on the states immediately to the east that will now be the outer boundaries of "Fortress Europe".
- The continuation of oppression of political opponents and discrimination towards minority groups in many states, which in cases amounts to persecution. This is evidenced by the number of favourable decisions being made by the Refugee Review Tribunal in relation to applicants from, *inter alia*, Ukraine, Romania and Russia.

REGION	% OF TOTAL	ISSUES FOR CONSIDERATION
SOUTH EAST, SOUTH and CENTRAL ASIA	5%	<p>For some time, Asia has not featured prominently in UNHCR's assessment of resettlement need and it is true that the numbers of refugees are far fewer and their immediate protection needs far less grave than when we look at parts of Africa and the Middle East. This does not mean, however, that there are no refugees in the region facing threats to their lives or being denied fundamental rights.</p> <p>The Refugee Council argues that in recent years the Australian Government has been less attentive to the needs in our immediate region than it should have been. This is not to say that resettlement from Asia should dominate the program but rather, the fact that Australia is the major resettlement state in the region means that we have a particular responsibility to do as much as we can to assist meet the need that exists. This is important for the refugees who are being overlooked by other major hosts and it also sets a good example at a time when resettlement is being actively promoted by UNHCR as a durable solution.</p> <p>BHUTAN</p> <p>Nepal still hosts more than 100,000 Bhutanese refugees of Nepali descent who fled Bhutan in 1990 as the result of an aggressive anti-Hindu intimidation and a failed pro-democracy campaign. The refugees are largely confined to UNHCR-run camps in eastern Nepal.</p> <p>In recent years the UN has encouraged dialogue between Nepal and Bhutan. These talks led to the commitment by the Bhutanese to undertake a verification process to determine who could return. This process was long and drawn out and when the results were released in December 2003, there was considerable unrest amongst the refugees.</p> <p>The 12,000 refugees whose cases were assessed were placed into four categories by a joint team of Bhutanese and Nepalese officials. Only 293 people were deemed to be bona-fide refugees with the unconditional right to return and live in Bhutan. Over 70 per cent of the refugees were found to be people who had allegedly "emigrated of their own free will" and thus must go through an elaborate process that will take two years before they can apply to once again become Bhutanese citizens.</p> <p>Until citizenship is obtained, these refugees will be required to live in camps. One member of the family will be required to work on a civic project (possibly road construction) and the other family members will be forbidden to work. In order to apply for citizenship at the end of the 2-year period, they will have to demonstrate that they are able to speak Dzongkha and they will not be granted citizenship if they 'speak against the King, country and the people of Bhutan' or if they leave Bhutan at any time during the probation period.</p> <p>People deemed to be in the fourth category – "criminals" – were told they will be handed over to Bhutanese police on return and their families placed in special camps.</p> <p>It is not surprising that there was uproar in the camp when this announcement was made on 22nd December and the Bhutanese officials who delivered the news to the refugees were physically attacked, with four sustaining injuries.</p>

Resettlement has traditionally not been seen as a durable solution for all but a handful of vulnerable refugees. The results of the verification process, however, could well change things in this regard as it is now much clearer that there will be groups of Bhutanese who will not be guaranteed fundamental rights on return and will not be able to remain in Nepal.

RCOA sees an important role for Australia, in close cooperation with UNHCR, in participating in a planned resettlement program.

BURMA

Despite some interesting recent developments, there are clear signs that repression and persecution continues in Burma. There are ongoing reports of forced labour, persecution of dissidents, conscription of child soldiers, rape of ethnic minority women and children by government troops, and forced relocation.

There have also been recent press reports that up to 100 Buddhist monks have been jailed in Burma since November 2003 for allegedly breaking a government curfew that was aimed at keeping them from expressing their discontent openly. The unrest broke out in mid October and spread to many towns and cities. Fires and clashes ultimately left dozens of people dead.

On a more positive note, an announcement was made in late January that a ceasefire agreement has been concluded between the ruling military junta, the State Peace and Development Council (SPDC) and the Karen National Union (KNU), until now the biggest ethnic army still resisting Rangoon's rule. If the ceasefire holds, this could end one of the world's longest-running insurgencies.

From the junta's perspective, the arrangement with the KNU is a major achievement, as it needs to have rebel ethnic groups present at the planned national convention at which a new constitution will be drafted. The inclusion of the ethnic groups is key to the credibility of the convention, the first step in a "road map" to democracy announced in 2003 which the junta hopes will mute international criticism over its failure to embark on reforms.

More than 125,000 Karen out of a population of 3-4 million live in camps along the Thai border adjoining Karen state and a further 200,000 are believed to be internally displaced. The victims of what is often described as a "forgotten war", the Karen have endured rape, murder, torture and forced relocations at the hands of the military.

It is important not to jump too quickly to the conclusion that the agreement will resolve all of the problems. Reports continue to come in of fighting along the border and developments on the Thai side of the border give rise to concerns.

In an effort to forge friendship with the Burmese regime, Thailand's Prime Minister has abandoned Thailand's longstanding humanitarian stance towards Burmese refugees. As a result, the security of hundreds of thousands of exiled Burmese has been placed at serious risk.

Exacerbating this is the action taken by the Royal Thai Government to compel UNHCR to suspend its screening of new asylum seekers from Burma from 1st January this year. Refugee assistance agencies and human rights groups are reporting that they are being flooded with calls and visits from Burmese asylum seekers asking where to turn to for protection.

This situation is further complicated by:

- the implementation of the Memorandum of Understanding between Thailand and Burma signed in June 2003, which has seen the Thai Government deporting 400 Burmese nationals a month directly into a holding centre in Burma operated by Burmese military intelligence. While UNHCR staff posted at the immigration detention centres in Thailand try to identify refugees and asylum seekers before they are deported, there are sure to be people who slip through the cracks and no one knows what happens to the Burmese once they have crossed the border; and
- Thailand's practice of "informal deportations" which results in about 10,000 "illegal migrant workers" being forced back into Burma each month. There is no way of knowing how many refugees and asylum seekers are caught up in these sweeps.

The combined developments in Thailand make it both more important for Australia to consider resettlement options for vulnerable refugees and more difficult to provide this support. RCOA considers that it is important for Australia to urge the Royal Thai Government to recognise that even though it is not a signatory to the Refugee Convention, it has obligations under Customary International Law not to return a refugee or a person who faces torture; and to work closely with UNHCR to identify and resettle vulnerable and emergency cases.

It is also noted that there are Burmese refugees in Malaysia, many of whom require resettlement because of the policies of the Malaysian Government. Asylum seekers are regarded as "illegal immigrants" and are routinely detained. Once detained, they can only be released if they are returning to their country of origin or leaving for a resettlement country. Here too, RCOA urges the Australian Government to work in close cooperation with UNHCR to provide assistance to protection cases.

It is important also too not to lose sight of the other large caseload of refugees from Burma, the Rohingyas. The majority are in Bangladesh, though there are also smaller numbers elsewhere in the region. UNHCR is currently turning its mind to finding solutions for long-standing refugee communities such as the Rohingyas and is developing programs involving repatriation, local integration and resettlement. The success of such programs is dependent on the cooperation of regional, donor and resettlement states. As it can be argued that Australia falls into all three categories, the Refugee Council urges the Government to cooperate as much as possible with UNHCR in this exercise.

INDONESIA

In the years since the end of the regime of President Soeharto in May 1998, there has been increased pluralism in Indonesia and most Indonesians enjoy improved civil liberties. There has also been a reduction of tensions in some regional areas such as Ambon and Kalimantan. This being said, there are still significant barriers that prevent the exercise of the rule of law and there are a number of pressing human rights concerns. These include:

- the resurgent power of the military in social and political affairs,
- the failure to bring to justice security force commanders responsible for atrocities,
- the armed conflict in Aceh,
- ongoing repression in Papua,
- disturbing signs of a return to intimidation of the press, and
- criminalisation of dissent.

Indonesia also faces a domestic terrorist threat that it is attempting to address with international assistance.

	<p>Given Indonesia's proximity, the human rights situation in Indonesia is of particular importance to Australia and the work being undertaken to strengthen human rights institutions, train the judiciary, strengthen civil society and train the military is seen as very important.</p> <p>Indonesia has never been perceived as the source of any significant resettlement caseload for a number of reasons, not least geopolitical sensitivities. This being said, RCOA argues that there are individuals amongst the two main refugee groups (those from Aceh and those from Papua) whose cases warrant consideration.</p> <p>Aceh</p> <p>The peace that followed the signing of the Cessation of Hostilities Agreement (COHA) between the Indonesian government and the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) in December 2002 was short-lived.</p> <p>In May 2003 the Indonesian government withdrew from peace negotiations and launched full-scale military operations in Aceh. An estimated 30,000 new troops were sent to the province to crush GAM in Indonesia's largest military operation since the invasion of East Timor.</p> <p>Three consecutive post-Soeharto presidents have failed to address the economic, social, governance, and justice-related grievances underpinning the fighting. Further, the new war has led to widespread abuses against civilians with little real prospect for an effective military solution.</p> <p>In December 2003 Human Rights Watch published <i>Aceh Under Martial Law: Inside the Secret War</i>, which documented summary executions, "disappearances," arbitrary arrests, beatings and other abuses against civilians by the Indonesian military.</p> <p>There are small numbers of refugees from Aceh in Malaysia whose situation is precarious because of the Malaysian Government policy of detention and removal. Expedient resettlement of those identified by UNHCR as being at risk of <i>refoulement</i> is a contribution that Australia can constructively make.</p> <p>Papua¹¹</p> <p>The Indonesian military has continued to respond to low level attacks by the Free Papua Movement (Organisasi Papua Merdeka, OPM) with disproportionate reprisals against civilians and suspected separatists. Arbitrary detention, torture, disappearances, and arson are widespread in this vast and isolated region of Indonesia. It is noted with particular concern that, while on bail for his actions in East Timor, convicted human rights abuser, Eurico Guterres, is reported by Human Rights Watch to be heading up a Government-backed group that is fighting separatists in Papua.</p> <p>Jakarta's decision in 2003 to divide Papua into two or three provinces was met by widespread local resistance, while substantive movement on economic, social, and justice-related concerns have not materialized. Papua has seen a swelling of its population in recent years due to the large influx of economic migrants and civilians fleeing conflict in other parts of Indonesia. Tension between these groups is likely to rise unless addressed.</p>
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Reference is made once again to "Seeking Refuge: the Status of West Papuans In Papua New Guinea", which is the report of the combined RCOA-International Commission of Jurists Mission to PNG in January 2003.

For many years the Refugee Council has sought to direct the Australian Government's attention to the 20,000 or so Papuan refugees in PNG, many of whom have been there since 1984. The best solution for the vast majority of these is to have their status regularised in PNG. There are, however, small numbers of West Papuans who will never be given residency rights in PNG because of their political activities (active involvement in Presidium or the political wing of OPM). Third country options are required for this group and RCOA argues that Australia can play an important role in providing resettlement for some and in encouraging other countries to make similar offers;

KASHMIR

Two years after coming perilously close to war, India and Pakistan made an unexpected announcement in early January that they had agreed to restart formal peace talks in February. This is seen as an extraordinary turn in relations between the two nuclear powers that have been disputing ownership of Kashmir for more than half a century and provides hope for the people of Kashmir who have been enveloped in a conflict that has gone on for 15 years and claimed some 60,000 lives. It is too early to tell whether these talks will bear fruit but this is a very positive development. An important point to watch for in these talks is whether the people of Kashmir will be given any say in their future.

KOREA

Political repression and chronic food shortages have forced thousands of North Koreans to risk arrest and severe reprisals in order to seek safety and a means of survival in China. The Chinese authorities consider the North Koreans to be illegal migrants and actively seek them out. This means that most experience great difficulty in reaching UNHCR's office to apply for asylum. North Koreans in China live in hiding, constantly under the threat of forced return to North Korea where they face brutal reprisals ranging from detention in re-education camps to execution. Further, It is a criminal offence to apply for asylum in China and a criminal offence to provide assistance to North Koreans.

Despite being a signatory to the Refugee Convention, China has a treaty with Pyongyang that obliges it to return fleeing North Koreans. There are, however, exceptions for refugees whose cases attract international attention and there are human rights groups that do their best to ensure this. Such refugees are sometimes allowed to leave for South Korea.

UNHCR's role in China is thus difficult and delicate.

While resettlement cannot be seen as viable for the majority of the North Korean refugees, with most finding sanctuary in South Korea, consideration of protection cases is seen as an important contribution by the Australian Government.

LAOS

The Royal Thai Government has given notice of its intention to evict the some 14,000 Hmong refugees who have been living in the Wat Tham Krabok temple area. Since the temple area isn't an officially recognized international refugee camp, there is little information about the Hmong there, most of whom fled their homes for fear of persecution for their aid to the United States during the Vietnam war. It is anticipated that at least 10,000 from this group will be resettled by the United States. RCOA suggests that it is important to monitor what happens to the remainder and make appropriate representations if the rights of these refugees are infringed. Further, if there are cases with links to Australia, these should be considered under the humanitarian program.

PAKISTAN

Four years after President Pervez Musharraf seized power in a military coup, the human rights situation in Pakistan remains unacceptable. International human rights groups report that military agencies frequently torture and harass political opponents, critical journalists and former government officials. The past four years have also seen a rise in activity by extremist religious groups and an increase in sectarian killings in Pakistan, in part due to the Musharraf government's policy of marginalizing mainstream opposition political groups. The judiciary has proved incapable of curbing the abuses.

The growing influence of extremist religious elements has impinged on the rights of women and religious minorities. Laws regarding rape and honour killings still discriminate against women. The number of blasphemy cases registered has risen while discrimination and persecution on grounds of religion persist. Adherents of the Shi'a branch of Islam, as well as Ahmadis and Christians, have faced numerous violent attacks by Sunni Muslim militant groups.

RCOA supports the continued use of in-country resettlement options for political opponents, religious minorities and gender and social-group related victims who are identified as being at particular risk.

SRI LANKA

Two years after the cease-fire was called in the long-running civil war between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan army, as many as 400,000 people remain displaced within the country. The peace established in February 2002 has brought many positive results to a country that had suffered 19 years of conflict, with greater freedom of movement for citizens, as well as increasing levels of economic growth. However, the reluctance or inability of so many displaced people to return to their homes remains a serious cause for concern.

Also worthy of note is the postponement for the third time of local elections in Sri Lanka's Tamil-dominated north and east. Originally scheduled for March 2002, then January 2003, then early 2004, the elections are seen both as test of the Tamil Tiger rebels support for democracy and a major step forward in the fragile peace process between the Tamil insurgents and the government. The longer the postponement, the greater the threat to peace and reconciliation.

In addition, there is a growing sense of disillusionment among the general population about the failure of the main political parties to work together and ensure effective problem solving in the country. There are strikes in the governmental sector, extremist attacks on Christian churches and a halt to negotiations between the government and LTTE.

The limits of the traditional oppositional and confrontational politics can also be seen in the prolonged deadlock between the President and Prime Minister that has paralysed the government for the last few months but which may be resolved with the forthcoming election.

While the situation in Sri Lanka is not such as to suggest the need for a large scale resettlement program, it is stressed that the conditions in the country are such to warrant favourable consideration of individual cases with protection needs, including in-country cases. Included in this group would be peace activists, Christian leaders and others whose activities to promote reconciliation have put them at risk. Maintaining such provisions would be a great benefit to the Sri Lankan community in Australia who are understandably closely following the developments in their former homeland.

VIETNAM

On many occasions the Australian Government has made reference to the Comprehensive Plan of Action (CPA) as an example of successful multilateral cooperation. The CPA was the agreement that enabled the exodus from Vietnam and Laos in the 1970s and 1980s to be contained.

While the CPA was officially concluded 15 years ago, RCOA reiterates that it is essential not to lose sight of the fact that there is still a small number of refugees who have yet to be offered a durable solution, in particular the 2,000 Vietnamese in the Philippines who have lost their Vietnamese citizenship and who have no legal rights to remain in the Philippines.

As a party to the CPA, Australia has a responsibility to help resolve the status of the remaining Vietnamese by continuing to press to regularise the status of the remaining cases and by providing resettlement opportunities for linked cases. It is acknowledged that Australia has provided resettlement for a small number of these people in recent years, but the issue is not yet resolved and it is argued that Australia's involvement must continue until such time as a durable solution is found for each member of the residual caseload.

It is also important to note that, while there have been substantial changes in Vietnam in the last decade, a number of problems remain. Freedom of speech is not guaranteed and political dissenters have cause for concern. A number of high profile prosecutions in 2003 (including those of Buddhist monk Thich Tri Luc and journalist Nguyen Vu Binh) emphasise the risk to those promoting democratic reforms and government accountability.

In addition, evidence mounted throughout 2003 that despite the Vietnamese Government's stated commitment to respect ethnic minorities, oppression of Montagnards has continued. Montagnards who make their way into Cambodia have not fared much better and there has been criticism of the Cambodian government for its failure to comply with its obligations under the Refugee Convention.

In saying this, RCOA is not suggesting that non-CPA refugees be specifically targeted for resettlement by Australia but argues that the human rights situation in Vietnam warrants close monitoring and that consideration should be given to individual protection cases if and when they present.

ELSEWHERE IN THE REGION

In addition to the source countries highlighted, the Council believes it is important not to lose sight of the following:

- **Bangladesh** is now one of the top five countries for set asides by the RRT reflecting recognition of the level of persecution that exists within the country. Especially vulnerable groups include opposition politicians, women, people in same sex relationships and minority ethnic groups.
- Religious and cultural expression in **Tibet** is still severely curtailed by China, as is the Dalai Lama's political and religious influence in all Tibetan areas. Similarly, severely repressive measures limit any display of support for an independent Tibet and the balance of population continues to shift as a direct result of China's internal relocation policies. The provision of resettlement places for small numbers of Tibetans identified by the Tibetan administration in exile is supported.
- In relation to **Nepal**, Amnesty International (in a report issued in February

2004) and other human rights groups are expressing grave concern about the escalation of extrajudicial killings, “disappearances”, torture and arbitrary arrest by the security forces, and of deliberate killings, hostage taking and torture by the Communist Party of Nepal (the Maoist guerrilla group that has conducting an insurgency campaign since 1996 that has severely destabilised the country).

SECONDARY MOVERS

There are many legitimate reasons why some refugees move away from their region of origin. For some, it is simply not safe enough for them to remain in a neighbouring country, either because of their own profile or the policies of that country. Others are lured further afield by a vision of security far from their troubled homeland or by an understandable desire to be reunited with family members. Even without the activities of smugglers, the increasingly globalised nature of the world makes secondary movement inevitable. And while increased international cooperation to combat people smuggling will have some effect, the profits that can be made from this trade are so large that the chances of defeating it are negligible.

One thing that it is important not to lose sight of in the many efforts to deter secondary movement is that a significant number of the people who do this are very vulnerable. In many parts of the world, including in our immediate region, refugees have been trapped in places where they have no rights and no future. Few countries in Southeast Asia are signatories to the Refugee Convention. Many treat asylum seekers as illegals and routinely detain them in conditions well below internationally accepted standards. Their only future is to be offered a resettlement place.

The Refugee Council argues that the fact that a refugee has moved away from his/her region should not, in and of itself, make that person ineligible for resettlement in Australia. RCOA contends that Australia has an important role to play in assisting UNHCR to resettle refugees who are in detention in Asia and/or who are facing forced return. Particular attention should also be given to those who have family members in Australia.

CENTRAL ASIA

While Central Asia has not featured in Australia’s resettlement program, the Refugee Council argues that the human rights situation in some of the Central Asian states is sufficiently serious as to warrant monitoring.

Reference is made in particular to the situation in **Uzbekistan** which remains dire. The UN Special Rapporteur on Torture has concluded that the use of torture in the country is “systematic”. Those targeted include human rights defenders, political opponents, religious dissenters and journalists. Unfair trials and ill-treatment of prisoners remain a feature of life and relatives of prisoners experience harassment on the basis of their family relationship.

In Kazakstan reports that political opponents still face imprisonment and torture, and the death sentence is still widely used. The authorities continue to return refugees forcibly to countries where they were face persecution.

Both **Kyrgyz Republic** and **Tajikistan** still execute prisoners and like Kazakstan, continue to force refugees back into situations where they face persecution.

REGION	% OF TOTAL	ISSUES FOR CONSIDERATION

<p>LATIN AMERIC A</p>	<p>3%</p>	<p>Latin America was a significant source region for Australia’s humanitarian program in the late 1970s and throughout the 1980s, but with the resolution of many of the conflicts in the region, the region was no longer seen as a target of resettlement efforts.</p> <p>In more recent years, there have been a number of internal problems that have forced refugees to seek sanctuary outside their country. In most cases, their protection needs have been able to be met in the region, and where they have not, resettlement has predominantly been to Canada and the United States of America.</p> <p>The Refugee Council argues that it is time for Australia to reconsider this position, most particularly because the situation in Colombia has now reached a level of severity that broader international cooperation is required.</p> <p>COLOMBIA</p> <p>The 39 year old conflict in Colombia has led to the displacement of between two and three million people, many of whom live in precarious conditions without water, electricity, or other basic services in isolated mountainous regions or in the burgeoning shantytowns on the outskirts of major cities where pressure from armed groups continues.</p> <p>In February 2004 the Assistant High Commissioner for Refugees, Kamel Morjane, said on his return from Colombia that “this is the worst humanitarian situation in the Western hemisphere, and the third worst in the world after the DRC and Sudan”.</p> <p>Land conflict, crop fumigations in the “war on drugs”, and constant threats from paramilitary forces, government soldiers, and guerrillas displace more and more people each day, while overcrowding and acute poverty increase their exposure to health problems, sexual abuse, and exploitation. Colombia’s urban centres are also plagued by a more generalised violence, which exacerbates structural inequities that exclude the poorest and the displaced from access to health care.</p> <p>Those who have not fled their homes try to eke out an existence in the isolated, conflict-scarred countryside. In these increasingly insecure rural areas, people find themselves cut-off from even basic health care services and therefore more vulnerable to treatable diseases and chronic malnutrition.</p> <p>Statistics released by the Consultancy for Human Rights and Displacement (CODHES) in January 2004 indicate that the number of people fleeing the armed conflict in this country to take refuge in neighbouring Ecuador has risen 36-fold since 2000. UNHCR figures released in February 2004 place the number of refugees in Ecuador as being in the order of 250,000, with another 15,000 in Venezuela and 2,000 in Panama.</p> <p>In the past, local integration was seen to be the preferred option for Colombian refugees but as the conflict drags on and the numbers increase, resettlement is increasingly being sought.</p> <p>Such resettlement that has occurred has typically been to Canada and the USA in recognition of their geographic proximity but it is suggested that as the need increases, Australia too should play a role. This would not only be an important gesture in terms of burden sharing but it is suggested that it would also:</p> <ul style="list-style-type: none"> ▪ reduce the numbers of direct arrivals in Australia by asylum seekers by creating a viable offshore option; ▪ benefit the Colombian community here who are deeply concerned about their families and compatriots and want to have a way to assist.
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Priority should be given to people with poor prospects for local integration, survivors of torture/extreme violence (including women at risk) and those with a political profile that places them at ongoing risk.



Colombian refugees in Ecuador

UNHCR

HAITI

At the time of writing, the situation in Haiti is deteriorating day by day and there are fears that the Caribbean state is slipping into a state of anarchy. Long-standing problems reignited into violence in mid-January when anti-government demonstrators clashed with police in Port-au-Prince. Since then, violence has spread beyond the capital. Plans are being made in the region to cope with a possible outflow of refugees.

Years of dictatorship and unrest have left Haiti one of the world's poorest and most violent countries. RCOA considers it is important that the Australian Government monitor the situation and that should resettlement be required, to offer such assistance as is requested by UNHCR or regional governments.

ELSEWHERE IN THE REGION

It is necessary not to lose sight of the fact that while there has been a significant improvement in the human rights situation in Latin America in the last 20 years, the situation in a number of countries in the region is far from stable. Severe economic woes, combined with gross inequality, exploitation of minority groups and corruption combine to create an environment where human rights activists and reformists can find themselves in considerable danger. Resettlement might provide a lifeline for individuals who have been specifically targeted.

6. CURRENT ISSUES

6.1. Introduction

In large part this section will explore the questions posed in the DIMIA discussion paper,¹² although it will also comment on the implications of the changing profile of humanitarian entrants for settlement service delivery, something that the Refugee Council considers very important.

Before embarking on this, however, the Council would like to commend DIMIA for work undertaken in a number of areas central to the management and operation of the humanitarian program. Especially welcome, and of considerable importance, has been the work undertaken in relation to:

i. Processing Times

Long delays between application and decision have been a feature of the humanitarian program for a very long time and have been the cause of great distress to both proposers and applicants. Lengthy processing times are highly undesirable for many reasons:

- the program is designed to target people who have no options other than resettlement and in many cases they are living in difficult and sometimes dangerous circumstances while their applications are being processed;
- for the entire processing period applicants are in a state of limbo hoping, even believing, that they will be accepted and not necessarily taking steps to explore other - sometimes more realistic - options;
- in some instances, in particular in the Middle East, processing delays mean that successful applicants have to pay sizeable fines for overstaying in the country of first asylum which means that they arrive with an additional and often substantial debt;
- in many cases family members in Australia - frequently newly arrived humanitarian entrants themselves - are having to support their relatives while their applications are being processed. Large sums of money are leaving Australia for this purpose, money which should really have been used to assist the new entrants to establish themselves in Australia;
- they incline those who might otherwise apply offshore to seek the assistance of people smugglers - since the people smugglers may appear to offer a more efficient and expeditious service.

The Refugee Council is thus most heartened by the steps that DIMIA has taken to reduce the time between application and decision. Five years ago, 75% of refugee visa applications (subclass 200) were processed within 59 weeks. It is now 49 weeks. A comparable reduction has been seen in relation to the Special Humanitarian Program with 75% of applications being processed in 56 weeks or less compared to 74 weeks.

RCOA notes too that additional measures have been taken to reduce processing times even further, including the 202 Pilot and the use of Mobile Teams. DIMIA's attention to this aspect of the operation of the program is seen as very important and worthy of ongoing support, most particularly the allocation of necessary resources.

ii. Pre-Embarkation Information

¹² 2004-05 Humanitarian Program – Discussion Paper.

Successful settlement is predicated on many things, not least the level of preparation a refugee has before setting off for his/her new home. There have been many examples in the past of the positive benefits that have been derived from ensuring that humanitarian entrants have access to basic information before they leave for Australia, in particular the Indochinese programs in the 1980s and more recently the Serbian program in the late 1990s.

It can be argued that the need for the provision of pre-embarkation information is greater now than at any other time in the program's history. Unlike the former Yugoslav entrants coming a few years ago from urban European backgrounds, a significant number of the current entrants:

- come from countries with very different cultural backgrounds and social norms;
- are unfamiliar with western culture;
- have often lived for extended periods in very deprived camp or urban settings;
- have never travelled outside their immediate region, let alone on a plane to the other side of the world;
- have little concept of what life will be like in Australia.

When this is added to the traumatic past that is a shared experience for all refugees, it makes the resettlement process a very daunting (if eagerly anticipated) experience.

The fact that DIMIA has taken steps to address this is also welcomed. Having undertaken an investigative project for DIMIA on pre-embarkation information needs in August 2000, the Refugee Council has been watching with interest the development and implementation of the pilot programs in Kenya, Uganda and Egypt and looks forward to ongoing cooperation with DIMIA in relation to the evaluation.

iii. Travel Loans

This is another area in which RCOA has worked closely with DIMIA and where there has been some much needed and very welcome progress.

As indicated in section 5.3.1.iii, the smooth operation of the Special Humanitarian Program is predicated on proposers being able to find the money to pay the various costs associated with medical testing and travel to Australia. This was challenging enough when the proposers were established residents with community links and access to credit but now that the proposers are mainly newly arrived humanitarian entrants themselves, and entrant families tend to be very large, a situation has been created whereby, *inter alia*:

- travel is delayed (or visas forfeited) because of inability to come up with necessary funds;
- proposers are denying themselves even basics such as food in order to be able to both send money overseas to sustain family members throughout the application process and save enough for airfares;
- available low/no-interest loans schemes fall far short of being able to meet demand;
- some proposers go heavily into debt (sometimes to loan-sharks charging exorbitant rates of interest) to secure the funds;
- heavily indebted proposers are unable to provide the level of post-arrival support required by the entrants. For example, rather than being assisted into their own accommodation, entrants are often living with the proposer because there is not enough money to set up a second house and also the combined benefits are required to pay off the loan. It is not unknown to have 20 people living in a small apartment or house. This not only is likely to lead to a breakdown in the relationship between entrant and proposer but also places the proposer at risk of losing rental accommodation due to violation of lease agreements.

In mid 2003 the Refugee Council undertook a scoping exercise for DIMIA to document the current situation with respect to access to travel loans and to consider whether there are ways to expand the availability of no or low interest loans. Since RCOA submitted the report in July, further work has been undertaken by DIMIA on this project and the community sector is awaiting the results with eager anticipation.

The Refugee Council cannot stress enough the importance of this work for the successful operation the Special Humanitarian Program. Access to a no-interest loan scheme will enable those most in need of resettlement to be able to apply irrespective of resources and will free up proposers to be able to devote the time and energy required to assist the new arrivals.

iv. SHP Pilot

In recognition of the difficulties confronting DIMIA staff in posts such as Nairobi and Cairo, DIMIA is piloting a program that allows initial processing of Special Humanitarian Program (SHP) applications in Australia. This has many advantages, not least:

- reducing (though not removing) the possibility of interference with applications by locally engaged staff;
- enabling contact to be made with the proposer to assess the legitimacy of the application and the capacity of the proposer to provide support;
- enabling cases to be transferred from the SHP to the refugee program where the applicant is assessed as being in need of resettlement but the proposer is unable to provide the requisite level of assistance;
- reducing the initial processing time so that those applicants whose cases are not considered worthy of further consideration (about 2/3 of the applications received) are notified within a few months rather than holding out false hope for more than two years.

Obviously, with any new program there are teething problems that will need to be ironed out, but it is clear even from this early stage that the SHP Pilot has great potential and RCOA looks forward to working with DIMIA on this in the coming months to help identify areas in which it can be improved.¹³

v. Mobile Teams

Staffing at overseas posts has long been a major challenge confronting DIMIA, in particular where workloads fluctuate due to changing world events. The decision to use Mobile Teams of A-based staff to go into posts to help reduce backlogs is seen to be a sensible strategy.

* * * *

The submission will now turn to the questions posed by DIMIA in the discussion paper.

6.2. Enhancing the Identification Capacity of the Refugee Program

¹³ On the subject of the evaluation of the SHP Pilot, it is seen as vitally important that this not be limited to an internal review. To have credibility and to be meaningful, the review must take into consideration the perspective of all relevant stakeholders including proposers, community representatives and CSSS workers.

As previously stated, the refugee program is intended to target those refugees for whom there is no viable solution other than to be resettled. They are people who, for a particular reason that might relate to their political profile, religious or ethnic affiliation, level of past trauma, sexual orientation or other specific vulnerability, are unable to return to their country of origin. They are also unable to remain in the country of first asylum, often for the same reason that precludes return or sometimes because of the policies of the country of first asylum.

In most instances their resettlement need is determined by UNHCR¹⁴ which then refers the case to one of the resettlement countries. The decision as to which country a case is referred is based on the specific selection criteria employed by that country. Full details of this process can be found in the UNHCR Resettlement Handbook at www.unhcr.ch.

Identification of refugees for resettlement therefore involves both UNHCR and the resettlement country, in this case Australia, so any consideration of how capacity can be enhanced, requires an examination of the respective roles of both partners and the inter-relationship between the two.

i. Enhancing UNHCR's Identification Capacity

Throughout much of the 1990s, it is fair to say that resettlement was relegated to the periphery by UNHCR. The large-scale emergencies in Rwanda, Bosnia, Somalia and elsewhere claimed centre stage and the residual memory of the problems associated with the Comprehensive Plan of Action still coloured many people's thinking. While resettlement was still promoted as a durable solution, it was relegated to third place, not just in the rhetoric but also in terms of the level of financial and intellectual resources devoted to it.

As mentioned in Section 3, in recent years there has been a significant change in thinking within UNHCR and this has been accompanied by considerable efforts to promote the value of resettlement and to increase the number of countries willing to offer resettlement places. The unfortunate reality, however, is that this has coincided with a time of severe funding shortages that have limited UNHCR's capacity to deal with many of the long standing problems it has faced and its capacity to implement new initiatives.

When considering UNHCR's role as the primary identifier of refugees in need of resettlement, it is important to note the many obstacles that impact on its ability to perform this function:

- **resourcing:** the budget shortfalls have limited UNHCR's ability to employ new international staff in relevant overseas missions to assist the enormously overburdened staff they have at present;
- **access:** in part because of the above, and in part due to geography and local factors, it cannot be assumed that a person in need of resettlement can get to (or into) a UNHCR mission or have their case brought to the attention of a UNHCR resettlement officer;
- **locally engaged staff:** a perennial problem for both UNHCR and foreign governments in many countries is that locally engaged staff do not necessarily follow or possibly understand the service standards that are required of them. Reports of rudeness, obstruction, extortion and interference with documents came up regularly in RCOA's community consultations, as they have every year. RCOA notes that UNHCR does not condone such behaviours and it taking steps to deal with it, but it is important that those involved in planning and implementing the humanitarian program do not lose sight of the fact that many refugees face many obstacles in gaining assistance from UNHCR;

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This assessment takes place over and above any assessment of their status as a refugee.

- **interpreters:** also frequently identified as being an obstruction are the interpreters used by UNHCR. It is common to hear reports of the use of interpreters from the opposing religious or ethnic group, or male interpreters being used for women, with the consequent effect this will have on the refugees' willingness to be frank about personal details and on their confidence about the accuracy of the translation and the impartiality of the process;
- **nature of the caseload:** the most vulnerable refugees are the least likely to be visible in a camp or urban setting, nor the best placed to advocate on their own behalf. To avoid a situation where those assisted are the most vocal and persistent, creative solutions are required.

The Refugee Council suggests the following as actions that can be taken by the Australian Government to enhance UNHCR's capacity to identify those in need of resettlement:

- **increasing funding for UNHCR:** Australia's core contribution to UNHCR remained at the reduced level of \$7.3 million in the 2003-04 Budget and while the allocation to the International Refugee Fund was increased by 2.1% to \$15 million, this money is for specific purposes within this region and cannot be used for core activities or work in the area most in need of enhanced identification capacity;
- **allocating funds specifically for resettlement:** noting UNHCR's appreciation of the such an allocation for resettlement from Africa;
- **supporting UNHCR's efforts to improve registration:** UNHCR has been devoting considerable attention to its registration procedures in camps. Timely and efficient registration not only enables an accurate assessment to be made of the size and nature of the caseload and minimises fraud and corruption, it also assists with the expeditious identification and selection of resettlement caseloads.¹⁵ It is important that this work receives the necessary financial and technical support to enable its successful implementation in all refugee communities;
- **seconding staff from DIMIA to UNHCR:** the Refugee Council suggests there is value in identifying and releasing DIMIA staff to support UNHCR's resettlement work. This has benefits for UNHCR and for DIMIA, both while the staff member is in the field and also on return;
- **promoting NGO staff secondment:** the mutual benefits mentioned above can equally apply in relation to the secondment of NGO staff but there are some obstacles that need to be overcome. Unlike DIMIA which is a large government agency in which staff rotation is the norm, most NGOs operate with small and specialised staff, and the loss of a staff member for a period of time can have a significant impact on the agency's ability to function. Given that most of the staff who have the requisite skills to participate in a secondment program are working in DIMIA funded agencies, it is suggested that DIMIA might be able to assist. DIMIA could not only promote secondment within the community sector but also offer some financial support to agencies that released staff to cover the recruitment and training of a locum to stand in for the staff member on secondment. It is suggested that this additional support would make it far easier for agencies to deal with staff absence, and thereby enable them to reap the considerable benefits that can be derived from having a staff member with first hand experience of where their clients have come from;
- **enhancing the capacity of ICMC (which administers the secondment program)** to recruit and train suitable staff, provide adequate support to staff in the field and ensure adequate

¹⁵

It is stressed that while resettlement is considered the third durable solution, it should not be seen as necessary to exhaust all hope of repatriation or local integration before a person can be considered for resettlement. There are individuals and groups whose need for resettlement is apparent from the outset.

debriefing. Australia has considerable experience and expertise in the management of overseas placements, not least through the Australian Volunteers International program. It is suggested that this experience could be drawn upon to enhance the secondment program so as to ensure that best use is made of this program and that there is a role for DIMIA in promoting this connection.

It is further suggested that Australia should encourage UNHCR to take the following measures to enhance its own identification capacity:

- **involving other UNHCR staff:** in too many places the protection and resettlement functions of UNHCR are seen as entirely separate and protection staff do not see their role as making referrals. RCOA argues that this “siloing” is unproductive, especially as resettlement is a tool that can be used to protect the most vulnerable. Steps should be taken to promote a conceptual shift by UNHCR staff such that all staff understand that they have a legitimate role in identifying vulnerable cases. Further, protection staff should see that resettlement is an option for refugees they identify as being especially vulnerable and be encouraged to recognise the importance of working closely with resettlement staff;
- **establishing better referral pathways:** it is suggested that scope remains to establish more productive links between NGO implementing partners and UNHCR and also other IGOs and UNHCR in relation to the referral of refugees with urgent protection needs. A model would be the UNHCR-IRC Durable Solutions Project in Pakistan in which protection cases identified by local NGOs are carefully verified and interviewed by IRC and then re-interviewed by UNHCR prior to referral of the case to a resettlement country. This system has been found to be efficient in identifying vulnerable cases, while its checks and balances help guard against fraud;
- **addressing access issues:** while noting that it is near impossible to solve all access problems, it is argued that there are steps that can be taken to reduce some of the obstacles refugees face in relation to access to UNHCR missions. This could include staff training, enhanced use of service standards and an enhanced presence of international staff in public areas. It also requires identification of location-specific access issues¹⁶ and looking for ways to minimise the impact of these.

ii. Complementing UNHCR’s Identification Capacity

Because of the acknowledged limitations in UNHCR’s capacity to ensure that all those in need of resettlement are brought to the attention of resettlement countries, it is important that ways be sought to complement the work undertaken by UNHCR. It is recommended that DIMIA:

- **treat SHP applications as potential refugee entrants:** when DIMIA receives an application for the Special Humanitarian Program, consideration should be given as to whether the case should be processed for a refugee (subclass 200) or Woman at Risk (subclass 204) visa. Examples of cases seen as worthy of such consideration would be lone women without male support, female headed households and vulnerable cases where the proposer is a newly arrived humanitarian entrant. This is in recognition of the high level of support such entrants will require and the challenges the proposer will face in providing this. RCOA acknowledges that such transfer already occurs but believes that there is scope to make this consideration more systematic;

¹⁶

Particular missions have reputations for being particularly difficult for refugees to gain access to. Islamabad is always high on the list, especially for women. For many years refugees have feared going to the mission in Amman, believing that Iraqi agents had the mission under surveillance. Whether this will change with the altered situation in Iraq remains to be seen. Khartoum is also seen as a “difficult” mission because of local obstruction.

- **recognise UNHCR limitations:** as previously stated, there are some parts of the world where it is exceedingly difficult, if not impossible, for certain groups of refugees to gain access to UNHCR international staff. Possibly the best known example of this would be the plight of unaccompanied Afghan women in Pakistan who are barred by locals at various stages along the way. It is important these obstacles are understood by the staff at the embassy or high commission and that unrealistic requirements are not placed on refugees seeking resettlement. RCOA remains concerned to hear reports that Afghan women are still being sent by the high commission to UNHCR in Islamabad to get papers confirming that they qualify for a Woman at Risk visa. We argue that the post should recognise potentially vulnerable groups and if confirmation from the UNHCR is sought, the post should seek to obtain it itself rather than setting an impossible task for the refugee;
- **enhance links with NGOs in countries of first asylum:** NGO staff are often the people working most closely with vulnerable refugees in camps and urban settings. If NGOs are familiar with the resettlement selection criteria and are aware of how cases of concern to them can be referred to DIMIA, they can play a part in finding solutions. It is acknowledged that for such a referral system to operate efficiently, not place undue demands on NGOs or create unrealistic expectations, it requires a degree of trust and good communication between the DIMIA staff person and the NGO worker, as well as a clear understanding that the role of the NGO worker is limited to identification, not selection. It is thus suggested that the best mechanism to establish and maintain the necessary links is through NGO interagency meetings where vulnerable cases can be identified and protection options considered;
- **work with community leaders:** a number of the emerging entrant groups in Australia are developing effective community structures, the Sudanese being a case in point. The various ethnic groups leaders have good links within their own community and with the leaders of other groups. They provide a wealth of information about the community here and often retain good connections to members of their community overseas, in large part because they were also leaders in the refugee camp or settlement before coming to Australia. While acknowledging that such leaders are not always the most objective commentators, they can provide good information about community dynamics and also assist the identification of groups within the community who are isolated, ostracised, abused or otherwise in need of protection. Utilisation of such links can also develop leadership capacity within refugee communities, which in turn is an essential part of rebuilding war-torn communities;
- **enhance cooperation with other resettlement countries:** while noting that cooperation already occurs, RCOA recommends that DIMIA remains open to enhancing further Australia's identification capacity through cooperative projects with other resettlement countries that involve, for example, cross-referral of cases and/or joint selection missions;
- **establish a clearing house:** the Refugee Council and many other Australian NGOs regularly receive unsolicited emails from refugees seeking resettlement. Most tell heart-wrenching stories of past trauma and current hardship but there is nothing that the recipients can do other than to refer the author to UNHCR. It has been suggested that if DIMIA were to set up some form of clearing house to which NGOs can send such emails, DIMIA would benefit from seeing cases not necessarily coming through other channels and the NGOs would feel that they were at least giving the refugees a chance to present their case;
- **monitor emerging situations:** RCOA notes the importance of carefully watching developments in countries where the human rights situation is deteriorating or where there are significant changes, such as a coup, so that sufficient information is available to be able to make an informed assessment of any potential resettlement need independently of any such assessment UNHCR might make;
- **use all available posts:** there is an apparent tendency for posts to silo their immigration work, with some posts having a significant humanitarian caseload and others focusing almost exclusively on business, skilled and family reunion caseloads. RCOA argues that it is

important that the specialisation does not become absolute and that there remains a capacity in all posts to receive resettlement requests.

The need to think creatively about identification is important everywhere but is most important, RCOA suggests, in Africa because of the increased focus on this region in the caseload and because of the inherent challenges confronted. In Africa one must contend with the size of the continent, the complexity of the issues, and the many difficulties that confront those who are trying to protect the most vulnerable refugees.

iii. Other Issues

When considering the issue of identification of refugees for resettlement, there are three other issues that RCOA wishes to raise:

a) Refugee History

This pertains to whether refugees coming to Australia are coming from a refugee camp or non-camp background. In prefacing the remarks, the Council notes that:

- only about 40% of the world's refugee population live in camps. The majority live alongside locals in urban or rural areas of countries of first asylum;
- there is no simple correlation between the vulnerability of refugees and whether or not they are in a camp. The level of protection provided by camps varies markedly, as does the security of refugees living in the community;
- it has become common practice for politicians to make reference to how the offshore program is intended for "refugees in camps", implying that these are the most deserving.

In the publication *Australia's Support for Humanitarian Entrants*,¹⁷ reference is made to the fact that in 2002-03, 15.4% of humanitarian entrants assisted by IHSS had lived in refugee camps. Conceding that IHSS assists only about 80% of entrants – albeit the most vulnerable ones – the question must nevertheless be asked: why is the percentage so low?

Following on from this are further questions:

- does the disparity between the percentages in the total population and those selected for entry point to specific failures in relation to identification of refugees in camps?
- is there a chance that the selection process could be influenced by manipulation by unscrupulous groups?
- is the program being accurately presented to the public?

The Refugee Council does not have answers to these questions but suggests that careful investigation by DIMIA is warranted.

b) Unaccompanied Humanitarian Minors

While there is no Unaccompanied Minors Program as such, there is provision for minors to be included in the humanitarian program as long as they meet the same requirements as other humanitarian entrants and it is determined that the grant of the visa to the child will not prejudice the rights and interests of any other person who has custody of guardianship of, or access to, the child.

The Council supports the existence of this provision in the program and notes that there are some extremely vulnerable minors in some refugee caseloads who are in need of resettlement

¹⁷ DIMIA. November 2003. Page 26.

options. An example would be orphans from Sierra Leone whose parent(s) had a high political profile and who face ongoing persecution because of their family history. It is suggested that for identification purposes, there is merit in developing relationships with the NGOs responsible for running unaccompanied minor programs, in the aforementioned case this would be the International Rescue Committee, a highly respected international NGO that could assist with both identification of especially vulnerable cases and background checks to determine whether there are extant relatives with claims to the minor.

c) Medical Checks

When discussing issues pertaining to identification of the refugee caseload, it would be remiss of the Council not to come back to the issue of health checks, noting that reference to this was made in Section 5, but stressing that it is of such concern to the community that the points made are worth reinforcing in this context.

If Australia is serious about assisting the most vulnerable, excluding people on health grounds is hard to justify, especially where health needs enhance vulnerability. The nature of contemporary conflict is such that many refugees bear the scars of war – landmine victims, amputees, victims of mass rape ... - and these people should not be doubly disadvantaged if they need resettlement by being denied it on the basis of their injury. Further, there are many people with medical conditions that pose no risk to the community who are rejected, simply on the basis of an assessment of cost.

It is the view of the Refugee Council that:

- health grounds should never be used to exclude an Emergency Rescue or Women at Risk case;
- health waivers should be used more widely; and
- families where one member is determined to have a health condition that prevents the family from being resettled be given the option to split the family. In some cases this would be unacceptable but there are others, for instance where there are family members remaining who are willing and able to care for the rejected person, where the family may decide this is the best option for the majority of family members. RCOA recognises that this would require a change to regulations but argues that this is justified to maintain the legitimacy of the program.

On a separate but related issue, the Council notes the confusion that often occurs in the early period of settlement about the applicant's health status. What immunisations has the person had? Is there a health undertaking? In theory this information is meant to be passed on but in practice it does not always happen. And then when entrants arrive they are often taken for various medical checks which they do not necessarily understand the full purpose of and thus are unable to inform the next practitioner about any prior intervention.

It is therefore recommended that humanitarian entrants be given a medical record card while overseas that can be filled in by the person conducting the pre-departure screening and which can then be brought by the applicant to Australia and produced (and updated) each time there is some form of medical check or intervention.

6.3. Enhancing the Identification Capacity of the Special Humanitarian Program

As discussed in Section 5, the Special Humanitarian Program (SHP) is intended to target people who are subjected to substantial discrimination amounting to gross violation of human rights and who are proposed by an Australian permanent resident or citizen or an organisation operating in Australia. Unlike the Refugee Program where the Government covers all costs, the SHP entrant

or the proposer have to cover all of the costs of health checks and airfares. Further, the proposer is required to take responsibility for providing considerable post-arrival settlement assistance.

The existence of the SHP allows more humanitarian entrants to come to Australia than would be the case if there were only the Refugee Program. This is in large part because a significant proportion of the costs are not borne by the Government. It also allows people in need of resettlement but who are not Convention refugees to be assisted. And finally, and importantly, it enables refugee communities here to identify people of importance to them who they would like to see come to this country.

It is, however, the very fact that the SHP is proposer driven that makes the issue of how the program can identify those most in need of resettlement such a challenge. Proposers are not, by and large, motivated by a desire to help the most needy. They want to help the people they know – who are often close relatives.

How then is it possible to match the Government's valid desire to ensure that the SHP targets those most in need and the proposer's legitimate desire to assist a family member or close friend who is in a precarious situation overseas?

The Refugee Council suggests that the answer lies in a multi-faceted approach which involves, *inter alia*:

i. Providing Other Entry Options

Changes to the family reunion program and the introduction of split family provisions in the humanitarian program, have meant that a small but none the less significant proportion of the humanitarian program (4% of the 2002-03 offshore intake – 461 entrants) is devoted to family reunion cases. RCOA has long held the view that there should be a specially targeted and managed **humanitarian family reunion category**. Such a program would:

- accommodate the legitimate desire of humanitarian entrants to be reunited with family members;
- enable consideration of SHP claims to focus on resettlement need, without being clouded by considerations about the importance of reunited separated family members;
- free up additional places for people in need of resettlement.

In this context it is also relevant to mention **visitors' visas**. Because of risk profiles, it is very difficult for people from many refugee-producing countries, or who are refugees living in another country, to get a visa to visit their relatives or friends in Australia. Refugee communities feel this most acutely – especially where the visit is intended to coincide with a family wedding, the birth of a child or another important occasion. Out of desperation and frustration, SHP applications are submitted, even though the person in question would prefer to continue residing elsewhere. It would be far preferable for such relatives to come on visitor's visas (even extended visas) rather than as permanent entrants. It is suggested that DIMIA work with affected communities to seek viable solutions.

ii. Providing Information

The prospect of the program targeting those most in need can also be enhanced if refugee communities and proposers have a clear understanding of what the humanitarian program is and what it is not.

In this regard the Refugee Council would like to commend DIMIA for the ongoing production of the quarterly **Africa Newsletter** which contains easily accessible and highly relevant information about the operation of the program in Africa. The effort made to ensure that the information contained in the Newsletter directly relates to the most common questions from the community is

very much appreciated. It is suggested that the effectiveness of this initiative could be enhanced by:

- promoting the Newsletter more widely, noting that there are still workers and community leaders who are not aware of it;
- introducing similar Newsletters for other regions.

Given that many of the new and emerging communities come from oral traditions, it is suggested that there is also a need for **information sessions**. Such sessions would enable community members to receive information about the program, to ask questions and to raise issues of concern. Such sessions can be mutually beneficial as they also provide useful feedback for DIMIA. It is noted that such sessions are being held in some places but this is by no means uniform practice as yet.

On a similar vein but at a different level, the value of feeding information to **workers and community leaders** is noted. In most locations there are places where these people meet on a regular basis and the occasional participation of DIMIA staff with specialised knowledge of offshore program delivery can greatly assist the workers and leaders to perform their respective roles. As with the information sessions, it also enables DIMIA staff to get feedback and identify problems before they become entrenched. Here too it is noted that such meetings are occurring in some states – with particular reference to the highly valued contact that exists between DIMIA and workers in Victoria, but this is not uniform across the country.

iii. Providing Application Assistance

The expectation that proposers can fully comprehend and complete the proposal and application forms¹⁸ unassisted is unrealistic, especially as the proposer profile shifts towards the emerging African communities. The forms are complex and intimidating even for someone fluent in the English and even more so for someone with limited language ability and no experience filling in forms.

At the moment some migration advice is available in an *ad hoc* fashion (through some Migrant Resource Centres and community agencies and from fee-charging agents) but this is by no means sufficient to cater for the need and many of those providing advice are only able to deal with the most straightforward of cases.

Others either try to fill in the forms using advice from people who share their confusion or they send them to the applicant who in turn, will often employ the services of a scribe who may or may not accurately present the information. Only a lucky few are able to get an NGO to assist them to complete the forms.

This has a significant flow-on effect. Forms that are incomplete, contain scant information and contain inaccuracies are difficult, if not impossible, to process and are likely to result in a rejection. Selection may well be based not on applicant's need but on the quality of the application.

RCOA argues that it is important that DIMIA recognises the importance of migration advice to the community as a core settlement response. Such advice (provided either through settlement service agencies or specialised legal providers linked to these agencies) would:

- give proposers the opportunity to submit accurate and comprehensive information about the circumstances of the proposed entrant;
- ensure greater equity, with proposers not missing out on submitting a successful application simply because they are less able to make a coherent case;

¹⁸

Forms 681 and 842.

- enable the proposers to receive more information about their obligations and also the services that they can turn to for support should their application be successful;
- help proposers to understand why the applications were rejected and thus reduce the incidence of unmeritorious repeat applications;
- make it easier for DIMIA to assess the merit of applications and to determine the relative need of potential entrants.

iv. Being More Flexible in Relation to the Assurance of Support

The increasing insistence by DIMIA that proposers provide an assurance of support is another way that potential entrants are screened out for a reason unrelated to their resettlement need. Newly arrived proposers with few resources of their own and limited contacts within the community will not be able to provide the requisite assurance with the consequent risk that an application will be turned down on this basis alone. More established or affluent proposers are advantaged in the process, irrespective of the relative merits of the cases of those they are proposing. Far greater use of the discretionary waiver of the assurance of support is required if the program is to be genuinely needs based.

v. Providing Lodgement Options

Reference has already been made to problems with locally engaged staff at UNHCR missions. Similar problems are regularly reported in relation to Australian overseas posts. There is a widespread perception that locally engaged staff “interfere” with applications lodged over the counter. Such interference can take the form of, for example, changing details on the forms or placing forms on the bottom of piles. The suggestion has been made that there be provision to lodge SHP applications in Australia. This could tie in with the aforementioned SHP Pilot.

vi. Avoiding Confusion

It is noted that there has been an increasing trend to grant SHP visas (visa subclass 202) to various groups who do not fit the program criteria. In recent years we have seen SHP visas granted to people who are still inside their country of origin, and even more recently to people already in Australia. RCOA is aware that the Minister has discretionary powers to grant any visa she wishes, however questions whether the trend that started with her predecessor is the best way to ensure clarity of understanding about the program and confidence in its operation.

6.4. Enhancing Proposer Support

As mentioned previously, the settlement outcomes of entrants under the Special Humanitarian Program (SHP) rest heavily on the ability of the proposer to provide the necessary support. When the majority of proposers were people who had lived in the community for a number of years, it was a reasonable expectation that they could cater for most needs if given minimal support. The situation today is very different. The majority of proposers are themselves newly arrived humanitarian entrants and part of emerging communities. They have neither the personal resources nor the community support to enable them to cater adequately for the needs of the new entrants. Add to this the above average size of many entrant families and the complexity of their needs, the need for enhanced external support becomes more apparent.

There is widespread agreement that in its current form the Proposer Support component of the Integrated Humanitarian Settlement Strategy (IHSS) is unequal to the task. In fairness, it was conceived at a time when the program composition was very different but the rigidity of the contractual arrangements have not allowed the program to change with the altering needs of the proposer groups. The introduction of the Proposer Support (PS) program was intended to create

more equity in settlement outcomes of refugees and SHP entrants but over time, the gap has steadily widened. It is suggested that there needs to be some radical rethinking of the level and nature of assistance offered to proposers.

The Refugee Council believes that any new proposer support contract should envisage a more proactive, hands on approach which would include, *inter alia*:

- **information sessions** for proposers before the arrival of the entrant: while noting linguistic and other challenges that need to be overcome, it is considered that it would be possible to hold information sessions at regular intervals to provide oral information¹⁹ to proposers about their role as proposers, services in the local area, and places from which they can seek assistance. One thing that could be stressed at such sessions is the importance of informing the PS agency when the entrant arrives;
- **needs assessment** conducted through a face to face interview with the proposer and the entrant(s) as soon as possible after arrival. This would enable an assessment of the specific needs of the entrants and the capacity of the proposer to meet these needs;
- **a support plan** based on the findings of the needs assessment, it should be the role of the PS provider to develop a support plan for the proposer. The options should be seen as gradations on a continuum. Where the proposer is assessed as being capable and the needs of the entrant low, the simple provision of an information package and a phone number for emergencies might be sufficient. Where the proposer is able to provide some support, consideration should be given as to how and where this needs to be supplemented, possibly through linkage to a CSSS worker,²⁰ MRC/MSA or volunteer.²¹ Where the support needs of the entrant are clearly in excess of the proposer's capacity to deliver, there should be provision within IHSS to refer such cases to the Initial Information and Orientation Assistance (IIOA) provider;
- **linkage to Centrelink**: one of the most crucial tasks in the period immediately after arrival is to link the entrant(s) to Centrelink so that they can begin to receive income support. With some SHP entrants there is a considerable delay in this occurring, often because the proposer fails to understand the importance of timely action. In addition, some proposers find their initial attempts to take the entrant(s) to Centrelink quite frustrating because they do not know who to see and what to ask for. Unless they encounter a particularly patient or sympathetic customer service officer, they might find themselves being asked to return some days/weeks hence or leaving without the entrants receiving all their entitlements. The link to Centrelink is seen as so crucial that it is recommended that, at the very least, the PS agency provide proposers with a letter they can take with them to Centrelink (noting that this is already done by some providers), and where it is assessed that additional support is needed, actually make (and possibly attend) the initial Centrelink appointment;
- **accommodation advice**: finding suitable accommodation for entrants remains the major challenge facing proposers in most large urban centres and it is no longer realistic to expect that proposers can undertake this task without assistance. A link needs to be made between the Proposer Support and Accommodation Support service types within IHSS which, at the very least, enables proposers to benefit from the developmental work undertaken (e.g being

¹⁹ This is seen as particularly important with proposers from Africa because many come from oral traditions and are more comfortable with this form of information provision.

²⁰ In many instances, the proposer knows the CSSS workers, coming as they often do from the same community, and it is natural that they would seek out their assistance for the new arrival. The fact that currently the worker is unable to provide assistance because of the terms of the DIMIA contract means not only that the most accessible path to assistance is blocked to the applicant but also that the worker might lose face in the community for denying support (the finer points of service eligibility being lost on many community members.

²¹ See Section 6.5.

given a list of agents in a local area who are familiar with the background of humanitarian entrants – especially the absence of any rental history - and sympathetic to them as clients);

- **ongoing support:** while much of the assistance to proposers is in the immediate post-arrival period, it is important that the proposers feel that there is someone to whom they can turn for advice and assistance in the first few months. It is suggested that the PS agency play this role, through using this as a way to assist both the proposer and the entrant understand that there are a range of agencies and workers from whom assistance can be sought. In particular, this is a good way to familiarise the entrant with the CSSS worker and MRC/MSA workers who are the ones most likely to have an ongoing relationship with the entrant;
- **exit assessment:** at present the support is typically given to the proposer at the beginning and, unless there is a particular need, there is very little contact between the PS worker and the proposer/entrant after that. It is suggested that there is also a need to have a follow up assessment process at a point some months after arrival to check on how things are going, make an assessment of ongoing settlement needs and ensure that appropriate referrals are made to the agencies that can meet these needs.

The ability of Proposer Support agencies to perform the above functions is dependent on:

- the receipt from DIMIA of accurate and up to date information about the proposer. At present this does not always happen due to the long delays between submission of the initial application and the granting of visas. The Refugee Council is interested to see the extent to which the SHP Pilot is able to address this problem given that one of the stated intentions of the revised process is to enable better contact between DIMIA and the proposer; and
- the modification of the contract to recognise the enhanced role of the Proposer Support provider; and
- the provision of sufficient funding to enable the work to be undertaken.

It is also suggested that the above proposer support model would be significantly enhanced if there were to be access to application advice as suggested in Section 6.3.iii.

In making the above comments and suggestions, the Refugee Council notes that it does so on the premise that the next phase of IHSS service delivery will be a modified form of the first phase rather than a radical departure from it. The Refugee Council suggests there is scope to consider:

- whether Proposer Support should stand as a separate service delivery type or whether the functions outlined above could best be integrated into the workplan of either the IIOA provider or an MRC/MSA; or even
- whether it is really in the best interests of the entrant to have the “client” of the service provider being the proposer. The service provider thus has a set of obligations to their client which might or might not coincide with the best interests of the entrant. Where they do not, this places the provider in a very difficult position and leaves the entrant without the assistance they need for successful settlement.

It is suggested that these factors be considered in the formulation of the new IHSS tender.

6.5. Maximising Community Involvement

When looking at community involvement in the Special Humanitarian Program, it is necessary to first make the distinction between:

- the broader community, more specifically community members who are seeking ways to play an active role on the settlement of newly arrived entrants; and
- the entrants' own communities.

There is value in engaging both groups but the strategies used to do so need to be entirely different.

i. Members of the Broader Community

For over 50 years community based volunteers have played a central role in assisting newly arrived refugees settle in Australia. Coordinated voluntary participation began with the establishment of the Good Neighbour Council in 1950. In 1979 this was reinvented as the Community Refugee Settlement Scheme (CRSS) and then, with the introduction of the Integrated Humanitarian Settlement Strategy in 2002, came the Community Support for Refugees (CSR) Program.

While the CRSS was not without problems, it did build up over time a pool of highly skilled community members who made an extremely valuable contribution. It is widely acknowledged that the transition to IHSS, and the redefinition of the role of volunteers, resulted in a significant reduction in the numbers of volunteers and some residual dissatisfaction amongst those who remained.

The Refugee Council thus supports DIMIA in their efforts to find ways to reinvigorate volunteer programs and suggests that this process give careful consideration to both marrying volunteers' needs with the task at hand and ensuring volunteers are well equipped to perform this task. These elements will be expanded below.

Matching Volunteers Needs with the Task

It is important to recognise that people volunteer for many different reasons and at different stages of their lives. While there are almost as many motivations as there are volunteers, it is possible to point to some common groups:

- people who are retired yet are still active: they want to make good use of their time and skills. They also often want to be given something "of substance" so that they can feel like they are making a difference, often replacing the sense of achievement they are no longer able to derive from their work;
- those still working yet want to make a contribution: many people feel that they are "not doing enough for the community" in their paid employment and thus volunteer to do something "worthwhile" in their own time. Most sporting clubs, bush fire brigades, charitable organisations and the like depend on such people. Their ability to contribute is dependent on fitting things in around their jobs and family commitments;
- people seeking employment: either those who want to work in the refugee field and see volunteering as a good way to get experience and make contacts, or those who are volunteering as part of some form of mutual obligation requirements. Such people typically have good chunks of time to devote but there is no guarantee that they will be around for any length of time;
- university students: who typically want to find a meaningful activity for the long summer vacation (possibly interspersed with some form of income earning activities) and who also seek something less demanding during term time.

The challenge for a volunteer program is to have meaningful activities to offer to the various types of volunteers, noting that volunteers will only remain engaged for as long as they feel fulfilled by

what they are doing. It is not realistic to have a volunteer program that requires all volunteers to do the same thing or make the same commitment. **To be successful, a volunteer program should develop a range of options that are sufficiently varied and flexible to accommodate the needs, time constraints and skills levels of the volunteers.** It also has to be sufficiently creative to find ways to divert the energy of people who cannot possibly be “matched” with entrants (possibly for geographical reasons) into meaningful and productive activities such as raising money for travel loans. Further, a volunteer program must be able to say “no” to unsuitable volunteers or to those whose skills cannot be gainfully employed. Disgruntled volunteers who are vocal about their dissatisfaction can harm an otherwise worthy program.

On the issue of matching volunteers to tasks, it is suggested that one area in which there is considerable unexplored potential is in matching volunteers with proposers, a task most appropriately managed by those responsible for Proposer Support. It is considered that there are a number of benefits of these, not least:

- breaking down the barriers between the refugee community and the mainstream community. Through interaction with the volunteer, both the proposer and the entrant get to know someone in the mainstream community and learn about cultural mores and appropriate forms of interaction, as well as practical tips such as where to seek help and where to buy certain things;
- making good use of the skills and energies of volunteers who wish to have something meaningful to do while at the same time, providing some protection for vulnerable entrants. In this model, the volunteer is assisting the proposer to undertake his/her responsibilities rather than working directly with the entrant. In the event that the volunteer is over-enthusiastic or over-bearing, the impact is not as great on the entrant;
- providing what amounts to intensive casework assistance for vulnerable proposer/entrant combinations far more economically than if this were to be done by paid staff;
- ensuring that proposers have someone to whom they can turn in case of an emergency, not just someone who is available during office hours.

This suggestion is, however, dependent on:

- careful selection of the volunteers so that they are culturally aware and well versed in settlement needs;
- close monitoring of what the volunteer is doing/suggesting;
- referral pathways if it is determined that the proposer and entrant need more intensive support from professional workers than can be provided by a volunteer;
- supervision of the volunteer to ensure that neither party is being exploited and that the relationship that has developed between the volunteer and the proposer is within the bounds of the volunteer support project;
- a mutually agreed exit strategy with appropriate referral pathways.

These components of a proposer support volunteer program are over and above the core requirements of any volunteer program as are set out below.

Ensuring Volunteers are Well Equipped

Irrespective of the tasks assigned to volunteers, it is necessary that they be supported to perform this to the best of their ability. Any volunteer program must incorporate:

- **screening** of volunteers (including police checks) to ensure that they are suited to the available tasks and that their motives for volunteering will not conflict with the best interests of the entrants;
- **training** for all volunteers who are to have any form of contact with humanitarian entrants;
- **insurance** to cover volunteers for activities undertaken as part of the program;²²
- **monitoring** of the interaction between the volunteer and the entrant or of any subsidiary work undertaken by the volunteer;
- **debriefing** to avoid vicarious traumatisation.

Volunteers are not “free labour”. If they are to be used effectively, **sufficient resources** must be available to ensure that all needs (financial, information, debriefing) of the volunteer are met.

Further, RCOA wishes to note its concern over the complexity of the Community Support for Refugees model. Volunteers variously have links to DIMIA, the CSR provider and the agency to which they are attached. It would seem there is much potential for mixed messages, conflicting instructions and confusion in such an arrangement and that a goal of the re-tender process should be simplification of the volunteer model.

ii. **Members of the Refugee Communities**

There was a time when people from the same ethnic background as the refugees set up CRSS groups and linked in in other ways to DIMIA programs. This was particularly the case in NSW where a significant number of CRSS groups were from CALD backgrounds. The cessation of CRSS and the changing composition of the offshore program have resulted in a change in the profile of volunteers and less participation from refugee communities.²³

It is important to stress, however, that this does not mean that the refugee communities are not interested in supporting the new arrivals. The reality is that many community members are exceedingly active. What it does mean is that the volunteer structures that have been set up do not fit their ways of providing this support. The challenge, therefore, is to find culturally appropriate ways to tap into the enormous resources within the refugee communities to ensure that the assistance they provide is well directed and in the best interests of the new entrants.

Given the proportion of new entrants from Africa and the lack of established support structures for people from this continent, the following remarks will relate most specifically to working with African communities in Australia.

A necessary starting point is recognition that Africans are not a single homogenous group. Nor for that matter are Sudanese, Somali or entrants from any number of African countries. The conflicts that created the refugees in the first place are all civil conflicts, with different ethnic and/or religious groups within a country fighting each other, and with various affected groups seeking sanctuary elsewhere. While one of the objectives of settlement is to relegate the prejudices and tensions from the homeland to the past, and for the various groups to live in harmony in Australia, it is not realistic to expect this to happen over night ... and without assistance.

²² The Council notes that the issue of insurance appears to be causing considerable confusion to volunteers. Reference is made to the *Survey of CSR Volunteers' Opinions on the Status of Some Activities Undertaken by Volunteers to Assist Newly Arrived Refugees* prepared by the Refugee Resettlement Committee of St John the Apostle Parish in the ACT in December 2003.

²³ This is not to say that CALD communities are not involved in the CSR program, noting that there are a number of groups in Victoria, in particular, from diverse backgrounds.

Involving members of refugee communities in settlement activities is much more than just getting them to join a volunteer program. It should be seen from a **community development** perspective. It is about empowering communities to be more active in shaping their settlement pathways and finding ways to bring communities together so that they can recognise their shared problems and needs and work together to find solutions.

The Refugee Council notes that there are a number of examples of such work happening around Australia including:

- the impressive work being undertaken by members of the Sudanese community in Melbourne that involves bringing together leaders from the various ethnic groups from both northern and southern Sudan into a representative structure;
- work facilitated by the community education officer at Transcultural Mental Health in NSW with women from Sierra Leone aimed at assisting the women to acquire the skills and contacts to enable them to be effective advocates for their community.

Such initiatives are very important and are worthy of replication more broadly. For this to occur, certain things are required, not least:

- identification of people within the refugee communities who are respected by the community and are able to devote time and energy to working on their behalf;
- facilitation by someone who is culturally aware and who understands that “facilitation” is not about imposing solutions but about helping the community identify and prioritise their problems and providing the links to the particular people with the capacity to address these needs;
- recognition by DIMIA of the importance of such work and ensuring funds are made available to enable it to happen.

Strengthening the community as a community will have flow on effects. As the leaders become more familiar with how things operate in Australia and more confident in their ability to influence service providers and policy makers, this sense of connection and confidence will flow on to the community as a whole. The “us versus them” mentality will break down and the community members themselves will have greater confidence to get involved in things that do not have their genesis in their own community.

6.6. Rural and Regional Settlement

Promoting rural and regional settlement to refugee and humanitarian entrants will involve a range of strategies to address the various advantages and disadvantages, both actual and perceived, of settling in regional Australia. Various tangible and intangible factors need to be considered to firstly attract entrants to regional areas and then to encourage entrants to remain there. Recognising the key issues facing refugee and humanitarian entrants and acknowledging the differences between the nature of the Refugee and Special Humanitarian Program and other components of Australia’s Migration Program is essential in effectively and responsibly supporting rural and regional settlement.

i. Basic Principles

Typically, humanitarian entrants may be characterised by a range of experiential factors that will have significant implications for their settlement experience. Pre-migration and migration experiences of torture and trauma, dislocation from community, culture and family and loss of

control over life choices all give rise to a range of complex needs that are quite distinct from those of migrants. Planning for the settlement of humanitarian entrants in rural and regional areas must incorporate recognition of these distinctions in order to address appropriately these complex needs and work toward successful settlement.

Most importantly, it is essential that humanitarian entrants not be viewed as a homogenous group and that the many differences within communities are acknowledged. This is perhaps most important in relation to settlement in rural and regional areas where specialist services are limited and exposure to clients from a refugee background may be minimal within mainstream services.

Demographic considerations are also an important issue in settlement planning for rural and regional areas. Many recent examples of successful regional settlement have involved refugees on Temporary Protection Visas who are predominantly young single men with particular priorities and needs. The Refugee and Special Humanitarian Program on the other hand, is dominated by family groups, including female-headed households and large families, that will present with different needs and will have different settlement priorities. Successful regional settlement for a particular group of refugees will not necessarily equate to successful settlement for others.

Involving refugee and humanitarian entrants in the decision making process and ensuring that communities are provided with sufficient information to make an informed choice is an essential element of planning for successful regional settlement. Developing a sense of ownership and involvement in the process and planning will not only empower refugees to make informed decisions, but will work towards generating an ongoing commitment to remain in rural and regional areas.

Similarly, the inclusion of receiving communities in planning processes is also a vital component toward promoting rural and regional settlement of humanitarian entrants. During the preparation of communities it is important to highlight the social, cultural and economic advantages of encouraging humanitarian entrants to live, work and establish themselves in rural and regional communities.

Of important consideration in rural and regional areas of Australia is to recognise the difficulties faced by many communities including high unemployment, diminishing services and the departure of young people to urban centres. In promoting the advantages of regional settlement of refugees it is important to balance the needs and use of resources of regional communities with the needs of newly arrived humanitarian entrants.

Australia's humanitarian program acknowledges the need for permanent resettlement of refugees and in doing so recognises the rights of refugees in civil society. It is important to ensure that refugees are not pressured to live in areas where they feel uncomfortable or unwelcome and that their right to live where they choose is recognised.

ii. Encouraging Rural and Regional Settlement of Humanitarian Entrants

There are many factors which may affect an entrant's decision to settle in a rural and regional community and these decisions will most often be based around varying needs regarding education, housing, employment and access to specialist settlement services that may be required. Less tangible, but no less important may also be needs in relation to participation in community life, a sense of welcoming and the capacity to rebuild lives and make plans for the future. There are also many tangible and intangible factors that will enhance the experience of rural and regional settlement and encourage entrants to remain in rural areas.

(a) Tangible Factors

Employment

For most adult entrants, securing employment is a key priority within the first phases of settlement. Humanitarian entrants from rural backgrounds may feel a greater sense of familiarity with rural and regional lifestyles and seek employment opportunities in farming and agricultural industries. Those with experience in light industry or small business may also find a number of opportunities for employment or the prospect of starting one's own business contributing to the employment of others. Specialist skills in high demand from rural and regional areas including those provided by medical professionals, teachers and engineers might also attract refugee and humanitarian entrants who are keen to further develop and continue their careers. However, current costs and other difficulties associated with professional skill recognition provide a significant barrier to the continuation of education and career development. Encouraging rural and regional settlement of humanitarian entrants who possess these much-needed skills will need to incorporate incentive schemes that provide a clear cost-saving benefit to the entrant.

To encourage rural and regional settlement of humanitarian entrants in relation to employment, particular consideration needs to be given to:

- access to employment opportunities and employment assistance;
- existing employment rates;
- stability of employment opportunities;
- levels of English proficiency required for various employment opportunities;
- opportunities for skill recognition and professional qualification;
- opportunities for career and professional development; and
- the proximity of employment to housing and other infrastructure.

Housing

For newly arrived humanitarian entrants, establishing stable and appropriate housing is often the first key to a positive settlement outcome. Increasing difficulties in accessing appropriately sized, sustainable housing in urban centres and the rise in private housing costs may attract a number of entrants to rural and regional areas where, in many instances, housing may be more affordable. The changing nature of the humanitarian program over recent years has seen a significant increase in the number of large families with up to 8 or 10 children, a number of which are also single parent, female-headed households. Public housing availability for families of this size is extremely limited and the cost of housing in the private rental market, which might accommodate large families, is beyond that which most newly arrived families can afford. While this is certainly a significant issue in urban centres, it would be useful to examine possibilities for expanding current housing stock in rural and regional areas and explore improved mechanisms to accommodate and support larger family groups.

The development of housing and accommodation options in rural and regional areas for humanitarian entrants needs to consider:

- the demographic profile, in particular family size, of refugee and humanitarian entrants;
- the appropriateness of particular accommodation options;
- the stability of housing (long-term rather than short-term)
- affordability of housing; and
- the proximity of housing to schools, employment, shops, hospitals and transport.

General Infrastructure

While housing and employment are key factors in the consideration by entrants of whether they might choose to settle in rural and regional areas there are also many important issues in relation to general infrastructure. Urban centres provide reasonably sophisticated levels of infrastructure that are of benefit to many entrants, particularly in the early stages of settlement when there may be a greater reliance on services and public transport. As housing affordability has decreased in many central urban areas, there has been a growth in the populations of humanitarian entrants at the urban fringes where levels of infrastructure may be poorly developed. Settlement in more

established and large regional centres may provide entrants with a viable alternative both in terms of housing affordability and access to essential services, schools and other facilities.

In relation to the development of infrastructure and the suitability of regional settlement for humanitarian entrants, consideration needs to be given to:

- the proximity of housing, shops, schools and hospitals;
- the availability of child-care facilities;
- the availability and reliability of public transport; and
- the scope and reliability of telecommunications.

Services For Refugee And Humanitarian Entrants And Mainstream Services

As highlighted in DIMIA's Discussion Paper *Supporting Settlement in Rural, Regional and Remote Australia*, existing settlement services are delivered to rural and regional areas in a variety of ways. While delivery of these services across different regional areas may not be consistent in terms of coverage, it is important to note that a number of current strategies are focused on enhancing service provision, including:

- outreach programs implemented by MRC/MSAs;
- the location of CSSS projects and workers within locally based organisations or community groups;
- contracting regionally based service providers to deliver AMEP programs through local TAFEs;
- the utilisation of telecommunications technologies to provide services such as translating and interpreting, training modules and communication using video conferencing technology; and
- outreach, training and mentoring programs implemented by urban-based service providers such as training provided by torture and trauma services.

Of particular importance in rural and regional areas where refugee and humanitarian entrants are being encouraged to settle is the sensitisation of mainstream services to the specific needs of refugee and humanitarian entrants. Through outreach programs and the provision of training, existing settlement services have the capacity to reach a large number of regional centres, but not all. In order to meet the complex needs of entrants in the most comprehensive and appropriate manner, mainstream services need to develop the capacity to provide complementary support and referral. To achieve this aim, settlement service providers can work collaboratively with:

- hospitals;
- schools;
- employers and employer groups;
- local government;
- Centrelink;
- Jobnetwork providers;
- banks and financial institutions;
- real estate agents;
- the police and emergency services; and
- community leaders.

The sensitisation of mainstream services and the development of the capacity of services to respond appropriately to the needs of humanitarian entrants can occur through various strategies including:

- consultative training processes;
- co-location of settlement workers;
- community information sessions; and
- ongoing mentoring by settlement service providers.

Existing Community

With Australia's long history of migration and refugee resettlement there are a number of rural and regional areas with established migrant or refugee communities. While it may appear desirable to encourage newly arrived refugee and humanitarian entrants to settle in these areas, it cannot be assumed that entrants will wish to be located near other refugee communities or that these areas will be able to meet the needs of new entrants. Acknowledging that there are clear advantages for many entrants to be located near members of their own community, it also needs to be recognised that for a variety of political, ethnic or social reasons, some new entrants will not wish to be linked or involved with members of their own communities. In recent years, some tensions have also emerged between more established communities and new entrants over perceived levels of government assistance and entitlements now afforded to newly arrived communities.

In supporting new entrants in their decision making process it is important to:

- acknowledge that for many reasons, some entrants will not wish to be located near their community;
- recognise that if entrants do not wish to be located near their community, they may still have strong desires to participate in their cultural and religious lives and ought to be supported in this; and
- acknowledge that refugee and humanitarian entrants are not a homogenous group and there are many differences within families and communities requiring assessments of individual needs.

(b) Intangible Factors

Sense Of Welcoming And Community

As mentioned previously, for humanitarian entrants from rural backgrounds the prospect of settling in a regional community in Australia may hold significant attraction, as there may be some sense of familiarity with both the physical environment and lifestyle. For example, many members of the Iraqi community who have settled in the Victorian region of Shepparton and the Goulburn Valley highlight the physical environment, which is similar to their regions of origin, as having provided the greatest sense of welcoming and comfort. Of particular importance are experiences of interaction with the receiving community including fears or concerns about encountering racism and discrimination. Positive experiences of a particular group in a regional area will encourage others to settle in the same area. In a similar manner to "word of mouth" about employment opportunities, information about the welcoming nature of a certain city, town or region is communicated through communities and plays a significant part in entrants' decisions in relation to their settlement.

The capacity for families and communities to continue their cultural and religious lives through participation in private and public events is not only an important factor in establishing a sense of community, but is also a vital component in rehabilitation from trauma and dislocation. Planning for the settlement of humanitarian entrants in rural and regional areas needs to incorporate strategies which foster a sense of welcoming and community cohesion.

Capacity To Rebuild Lives

In addition to being able to access support in the recovery from trauma and torture, refugees also need to know that their lives are not stagnant, that there is opportunity to move forward, to rehabilitate and to rebuild their lives. While much of this might involve addressing mental health issues there are other factors that enable individuals and families to have the sense that life is moving forward. These might include learning new skills, re-entering or commencing education, seeing the achievement of children in school, career development and employment opportunities.

The ability to be reunited with separated family and support their settlement in Australia is a vital element in establishing a sense that life has stabilised and there is an ability to move forward. Travel and medical costs associated with this often lead to significant financial strain and pressure on individuals and families, sometimes contributing to family breakdown and increased hardship at a time when stress levels are high.

Capacity To Participate In Community Life

While it is clearly important for humanitarian entrants to have the capacity to continue to participate in their cultural and religious lives, it is also desirable for entrants to have the capacity and the opportunity to participate in the life of their new community. Through participation in recreational and sporting activities, church groups, women's or youth groups, joining others in celebrating community events or through volunteering stronger links between newly arrived entrants and communities are established. In this way, enhancing the receiving communities' understanding of the issues facing refugee and humanitarian entrants and providing an opportunity whereby entrants can feel able to contribute to their new community builds levels of community cohesion. Participation in community life also allows entrants to gain a better understanding of the systems and structures under which regional communities operate. This improved level of understanding provides opportunities for entrants to voice their issues and concerns.

Sense Of Family Environment

As previously discussed, many humanitarian entrants are part of large family groups, sometimes with a single parent. In relation to making a decision regarding rural and regional settlement the issue of current and future benefit for the family as a whole will be very important. While this incorporates many of the tangible factors mentioned earlier, the perception of a community that demonstrates and fosters a good environment for a family will be an important issue to consider for many entrants. Many rural and regional areas may appear to offer this environment when compared with some urban centres. A range of factors including school and educational opportunities, support for parents, sport and recreational activities for children and young people and the capacity to participate in recreational and community activities as a family will have an important bearing on decision making in relation to rural and regional settlement. Incidence of crime and unemployment rates will also be likely to have some impact on these decisions.

Long-Term Settlement

One of the key challenges with planning for the settlement of humanitarian entrants to rural and regional areas has been to develop strategies that will encourage entrants to remain in those areas and establish themselves as medium to long-term members of the community. This forms part of a broader challenge for rural and regional Australia as the closure of industry and services has seen increasing numbers of predominantly young people from regional areas settling in urban centres. For humanitarian entrants, a range of factors from educational and employment opportunities and importantly the ongoing provision of settlement and related services will play a role in the sustainability of regional settlement. Decisions to relocate to urban centres may also be influenced by a sense of ongoing connection with community. If entrants have the capacity to remain linked in with members of their own community in urban areas while continuing to live in a regional centre, they may be less likely to relocate. Regional areas that are more accessible to urban centres and their communities by road or rail may encourage entrants settle in regional areas over a long-term period.

iii Recommendations

The promotion of rural and regional settlement to refugee and humanitarian entrants will require the implementation of a broad range of strategies incorporating the issues raised previously in this section. The Council would like to highlight a number of strategies that may promote positive

regional settlement and assist in conveying the advantages of rural and regional settlement to refugee and humanitarian entrants.

Specific Pre-Embarkation Information

As previously mentioned, the Council has been watching with interest the pilot of the Pre-Embarkation Information Program in Kenya and Egypt. The Council suggests that the Pre-Embarkation Program is an ideal way to begin disseminating information about the relative benefits of regional settlement. Specific information in the kit may include:

- examples of successful regional settlement. There are many regional areas that illustrate this including Shepparton and Toowoomba. Information might include an overview of employment and educational opportunities available, general infrastructure and some examples of the cultural life of these regional areas;
- community perspectives on regional settlement. Information and comments from various community leaders in relation to regional settlement may assist entrants in providing them with some useful insights. This is likely to be of more help to entrants than receiving advice from locally engaged staff who may have never been to Australia;
- a comparative cost analysis exploring the difference between rural and regional areas and urban centres. As promoted by the Council in previous years, an analysis of accommodation costs, living expenses and other costs associated with transport, schooling and material goods, comparing regional areas with urban centres may provide highly useful information to prospective entrants and their families. This will assist entrants in making an informed decision about the various cost benefits of settling in a rural or regional area; and
- details of regional settlement incentive schemes. This would not only highlight the various professional skill shortages in regional areas, but ways in which entrants may participate in schemes that enable their skills and qualifications to be recognised. As discussed earlier, incentive schemes need to consider the costs associated with qualification and skills recognition and offer a substantial cost benefit to the entrant.

It is important to note, however, that although the above information will be highly valuable in assisting entrant to make informed decisions, the pre-embarkation period and the early phases of settlement can be extremely difficult and traumatic for many people. The capacity of individuals to make informed decisions during this time might be diminished and decision-making should be supported at all stages without pressure.

Preparation Of The Receiving Community

An essential component in the planning and promotion of regional settlement is the preparation of the receiving community prior to arrivals of humanitarian entrants. Cultivating a sense of welcoming will provide one of the best foundations for encouraging rural and regional settlement and will provide the basis for long-term settlement. Strategies to assist in the preparation of receiving communities might include:

- working with key opinion makers and community leaders. Informing and consulting key people such as church leaders, local government representatives, school principals, business people, employers and others from organisations such as Rotary and the Country Women's Association can rapidly build confidence in the community about the advantages of regional settlement of humanitarian entrants. This consultation process is also an opportunity to receive feedback and ideas from local leaders about ways to meet the needs of new entrants and to harness cooperation between a variety of players;
- providing community information sessions. The provision of community information sessions about refugees, the issues they face and what their experiences have been will help to raise

general awareness. More specific information can also be provided about particular refugee communities including language, culture and religion. While highlighting the differences of refugee communities it is also important to illustrate similarities in relation to skills, desires and shared values of community and family. Community information sessions can also provide an opportunity to hear public concerns and develop strategies to address these;

- promoting the benefits for the receiving community. With diminishing resources in many regional areas it is important to acknowledge that many communities may perceive that supporting new entrants will be a further drain on local resources. Highlighting the economic, cultural and social benefits of regional settlement including the skills that many refugees bring will assist in easing community concerns; and
- establishing programs to enhance community cohesion. It is important develop opportunities for the receiving community to interact with and get to know entrant communities. Sporting and recreational programs as well as community and cultural events will help to raise community awareness of different cultures and the experiences of refugees, fostering a greater sense of multiculturalism and humanitarianism.

Sustainability Of Regional Settlement

As highlighted earlier, a key challenge is promoting regional settlement of refugees and humanitarian entrants that is sustainable and durable. This is highly problematic for the provision of funding to settlement service providers if they have an uncertain client base, which may also be influenced by transient populations associated with seasonal employment. Mechanisms to assist service providers and strategies that encourage humanitarian entrants to remain in regional areas may include:

- the sensitisation and collaboration of mainstream services. Establishing local planning committees with broad mainstream service representation to develop collaborative strategies involving training, referral processes and cross-sectoral approaches with settlement services will assist not only in the delivery of services to refugees but will enhance the awareness within generalist agencies of the specific needs of refugees. This collaborative approach will not only benefit refugee communities in the long term, but will also ensure that services to the local community will not diminish;
- encouraging settlement from urban centres. With increasing housing costs in urban centres and the drift of refugee and humanitarian entrants to the urban fringes of large metropolitan cities, relocation to regional areas may be a viable option for many entrants. Visits by respected community leaders to rural and regional areas who may feed this information back to the community can encourage many to relocate outside the urban centres. In time, as more rural and regional areas become successful examples of settlement, these areas may hold greater attraction for more entrants enhancing sustainability; and
- developing stronger links between rural and urban communities. Whether new entrants seek to be near members of their own community or whether they opt to be more removed as discussed earlier, there will be many times, particularly around cultural and religious events that communities will wish to be connected. Establishing shared community events and developing opportunities for greater accessibility between rural and urban communities will decrease the sense of isolation that many individuals and families may experience.

6.7 Settlement Needs of New and Emerging Communities

i. Background

As outlined in Section 5.3.2, there has been a significant change in the regional composition of the offshore humanitarian program in a relatively short space of time. In less than 5 years, the percentage intake from Africa has grown from 15% to over 50%. Further, unlike many groups arriving in Australia in the past where they were joining an established community, or at the very least, people from a similar background and language group, the new arrivals can expect less support from their own community because the communities themselves are so new.

This shift in the composition of refugee and humanitarian program towards entrants from Africa has a number of implications for settlement services in this country. It is relevant to recall at this point that the *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants* (May 2003)²⁴ noted that:

*Outcomes for humanitarian entrants have deteriorated in recent years and this appears to be largely as a consequence of changes within source countries for the Humanitarian Program, with the more recent intake appearing to have experienced greater instability and disruption to their lives before migrating to Australia. These entrants are finding it more difficult to establish themselves than their earlier counterparts and, in particular, are experiencing lower levels of employment, lower workforce participation rates, lower levels of income, and more health problems and psychological distress. More needs to be done to target settlement assistance towards this group if they are to achieve full and active participation in Australian society, and further research should be undertaken to track the progress of humanitarian entrants in the future.*²⁵

As will be demonstrated, the issues become even more significant when one considers that approximately 5,300 of the allocations for 2003-2004 are for Special Humanitarian Programme (SHP) entrants from Africa.²⁶ The distance of Africa from Australia, the remoteness of some of the locations where the refugees find accommodation and the larger family numbers involved make the costs of resettlement to proposers substantially more than has ever been the case before.

The travel loans scoping exercise, conducted in July 2003 by the Refugee Council of Australia, revealed that proposers spend approximately \$10.8 million in airfares each year to bring SHP entrants to Australia. Most proposers raise this money themselves. Further, these proposers, often newly arrived themselves, are supporting their own large families together with those arriving from Africa.

The pressures can be considerable:

- cramped living conditions;
- negotiating a new language;²⁷
- large utilities, food and clothing bills;
- searching for employment;
- negotiating the Australian social security system; and
- huge cultural shock.

ii. Specific Settlement Issues

The Refugee Council of Australia has facilitated several discussions between new arrivals from various parts of the African Continent and those working with them. In July 2003, the Council conducted extensive research for its *Report to DIMIA on Travel Loans for Refugee and Special*

²⁴ Hereafter "Settlement Services Review".

²⁵ Settlement Services Review, p. 61.

²⁶ The *DIMIA Africa Newsletter* (No 2/2003), dated 30 September 2003, p. 2. Nearly 2,440 of the allocations for 2003-2004 are for Refugees from Africa.

²⁷ This is made more difficult for many because of the lower literacy rates in their own languages.

Humanitarian Entrants. Since then, the Council has been working with a number of agencies and service providers²⁸ to monitor and reflect on the settlement experience of this group.

While the settlement issues facing the refugees and humanitarian entrants from the various countries in Africa are not homogeneous, there are some common themes and similar experiences. These may be identified as follows:

Accommodation and Housing

People from African communities often have large families. Families of 8, 10 or more people have very different housing needs to smaller families of 4 or 5, who the housing industry is more used to accommodating. Further, it is important to recognise that:

- much of the public housing stock cannot adequately accommodate very large families;²⁹
- in Sydney (where many of the SHP entrants are settling), there are large waiting lists for Department of Housing accommodation and in some areas waiting lists are closed;
- In NSW, the Department of Housing does not recognise that money sent by relatives in Australia to refugees in camps or displaced overseas is an expense which may be reckoned in means tests developed to assess applicants' capacity to afford accommodation. Most SHP new arrivals are therefore ineligible for priority housing;³⁰
- many new arrivals have found it difficult to secure affordable accommodation in the private rental market because of the lack of stock there. Many find themselves in sub-standard and overcrowded rented accommodation;
- these tenants are sometimes forced by landlords to pay excessive bonds and excessive amounts of rent in advance because they are new to the country and have no prior rental history;
- other new arrivals forego necessities such as food and clothing in order to pay the rent.

Employment

This is a major issue. It is relevant at this point to recall what was said in the Settlement Services Review on this issue:

*The strongest messages from public consultations and submissions have been that new arrivals face considerable difficulty in obtaining employment, are dissatisfied with the assistance provided by current employment services, and see a need for more specialist employment services and more opportunities to gain work experience in the Australian labour market.*³¹

²⁸ Including the Blacktown and Auburn Migrant Resource Centres, the Service for the Treatment of Torture and Trauma Survivors, Anglicare, AMES Employment, the Springvale Community Aid and Advice Bureau, Australian Refugee Association, the Centre for Multicultural Pastoral Care, workers from the African Communities Council, CSS workers and a/c.

²⁹ This point was made in the Report of the Settlement Services Review on page 131 in Recommendation 14:

That the Department of Family and Community Services and State/ Territory housing authorities canvass the implications of the changing demographics of public housing applicants, including humanitarian entrants, for the type and amount of public housing stock in each State/ Territory, in their negotiations for the Commonwealth-State Housing Agreement in 2003.

³⁰ In Sydney, homelessness means literally that a person has no roof over his or her head.

³¹ Settlement Services Review, p. 117.

Unemployment severely affects the individual's self esteem and may be a contributing factor to outbreaks of family violence and a sense of a lack of dignity, particularly for men, when the main source of income comes from Centrelink benefits. RCOA's own consultations have found that:

- There are tensions in some families because the woman, believing that government benefits are for the mother and the children, wants control of the money.
- Those yet to find employment still need to send money back home or to relatives in camps. This exacerbates tensions generated by a lack of income.
- While Specialist Migrant Placement Officers (SMPOs) can help by developing, with their clients, employment and training plans including job search training and assistance with employer canvassing, many refugee and humanitarian entrants report, that despite the skills they have, the lack of work experience in an Australian environment is a major stumbling block in securing employment. It is pertinent at this point to reiterate Recommendation 10 of the Settlement Services Review:

That agencies funded under the Commonwealth's Australians Working Together initiative develop new service options for migrants and humanitarian entrants, including mature-aged workers, which allow them to gain work experience early on in their job search, with scope to combine work experience with English language and other training elements.³²

Health

African entrants tend to have lower levels of immunisation generally. Some have been diagnosed with severe rickets, others have presented with cases of HIV, TB and/or hepatitis after their arrival. Early diagnosis is vital if the risks to self and community are to be minimised. The NSW Refugee Health Service in *Fact Sheet 6: Refugees from Africa*, makes the following points:³³

- Refugees, by definition, have fled serious human rights violations as a result of war or organized violence. Many African refugees will have experienced protracted stays in refugee camps without adequate medical care and in conditions of extreme deprivation before arriving in Australia.
- Some African entrants may have inadequate immunity to vaccine-preventable diseases. Documentation of vaccines given is rarely available, and ambiguity in birth dates for children can complicate immunisation schedules. Children under five will not have had Hib vaccine. Possible parasitic infections include leishmaniasis, giardia, trichuris, ascaris, strongyloides and filariasis.
- Chronic infection and severe caries can result from substandard dental care in refugee camps, and disruptions to traditional hygiene practices and diet.
- Some children may have delayed development not previously detected, or conditions linked to past under-nutrition or vitamin deficiency, such as anaemia or rickets.
- Many refugees from Africa are unlikely to have had access to preventive screening or effective health education programs. Many women will not be familiar with formal perinatal care.
- Refugee women are particularly at risk of sexual violence during war and in refugee camps. Rape can bring great shame on the victim and her family and is unlikely to be readily

³² Ibid, p. 124.

³³ *Fact Sheet 6: Refugees from Africa* is available from NSW Refugee Health Service, Suite 5, Level 2, 157-161 George St, Liverpool. NSW. 2170.

disclosed, even within families. As a result, sexually transmitted infections may remain untreated. For some women, rape will have resulted in pregnancy. Even where abuse has not occurred, many communities do not discuss sexual health openly.

- Female Genital Mutilation (FGM) is practised in over 20 countries including Ethiopia, Eritrea, Liberia, Somalia, Sierra Leone and Sudan. It is done for complex socio-cultural reasons. Many women experience long-term complications including recurrent urinary tract infections, incontinence, obstructed menstrual flow, sexual difficulties and obstetric problems.
- Some refugees from African countries will have no knowledge of community and allied health services. Newly arrived refugees may go to the hospital with health problems, not knowing that a local GP is available. Hospitals may traditionally be sought as a last resort, or seen as a place to die. As a result, they may be anxious when asked to attend a health service. Others may have unrealistic expectations of the health system. African refugees may expect the doctor-patient relationship to be more traditional, expecting the doctor to make choices for them. Treatment options need to be carefully presented.
- As a consequence of their traumatic experiences, refugees are at risk of a range of psychological problems including post-traumatic stress disorder (PTSD), depression, anxiety and stress-related psychosomatic symptoms. The concept of counselling, however, is unfamiliar to most refugees from Africa. The stigma attached to mental illness and cultural norms may discourage the disclosure of personal secrets and cause distress. As a result, help for psychological issues may not be sought until a crisis has occurred.
- Some African refugees who are patients may share medications or use them past their expiry date: this is common practice in camps as a way of coping with chronic shortages. Some patients may attribute illness to both physiological and supernatural causes, and so combine traditional and Western medical treatments.

Education, Literacy and Young People

As previously mentioned, many new arrivals are often in flight from civil conflicts and wars which have raged for years. In the case of younger people, years that are usually spent in education have been spent merely surviving. The Refugee Council's consultations have identified the following pertinent issues:

- War and civil conflict, together with long periods of internal and external displacement, have affected the literacy levels of many of the people arriving from Western Africa.
- The way children are cared for, educated and raised in Australia may differ markedly from back home and in the camps.
- Both learning and communication in Australia involve the mastery of complex written and technological skills. Learning in Africa may have been markedly different for many of the entrants. Communication techniques in a predominantly oral-aural culture are very different from those required in a visual-verbal culture.
- The school grade a child is admitted into in Australia is usually determined on the basis of age. Some refugee and humanitarian entrants from some of the African nations find this difficult because the decision is not based on the child's own level of learning. This simple decision has ramifications for the child, impacting on his or her ability to learn, his or her interaction with teachers, peers and parents.
- Some parents find the level of involvement expected of them by the school difficult because of their past experience, the fact that their own education has been interrupted and/or the energy and time taken up by their own settlement issues.

- Students can quickly fall behind in class because of the gaps in their previous learning. Homework is often left unattempted or incomplete unless some kind of homework assistance is provided by the school or through a youth centre.
- Uniforms and school equipment are expensive items for parents who are already struggling to meet many other settlement expenses.
- Some of the children, who come from countries where the conflict has been extensive or from refugee camps or other places of first asylum where they have experienced prolonged displacement, lack the kind of conflict resolution skills normally expected of children in Australian culture. This leads to problems at school and/or problems with the police.
- The special preparatory classes that have been introduced for students who have missed several years of schooling have created some problems of their own. Because parents do not understand the intent of the classes, they are concerned about their child's apparent exclusion from the regular school system.
- For young SHP entrants, a breakdown in the relationship with the proposer can lead to homelessness and further disruption to an already disrupted education process.

Family Support

State funded systems for family and community services, particularly in NSW, have waiting lists. Often their systems are not designed to accommodate or cater for the needs of large families. It appears that many are not well versed in the cultures and familial structures of new and emerging communities from the Africa. The appropriate care of children in Australian conditions may be an issue for some new arrivals:

- In some African communities it is a sign of authority to physically punish children when they are misbehaving. It is difficult for parents to understand that corporal punishment is not permitted in Australia.
- Some parents do not realise that it is unsafe to leave children at home on their own, even for short periods.
- Some parents may be unfamiliar with food handling or the types of food it is safe and appropriate to put in school lunch boxes.
- For many, Australian food styles and packaging is unfamiliar. It takes time to learn what foods are nutritious and so how to use a food voucher from Coles or Woolworths.
- Children have to learn how to cross the road and how to negotiate life in areas where there are high levels of traffic.

Culture, Living Skills and Finance

The cultures and living experiences of many new arrivals differ markedly from the culture and living skills required in Australia – budgeting, the use of banking and credit facilities, familiarity with the operation of electrical equipment, Australian health, sanitary, hygiene and residential living standards may be completely new and disturbing. The following have been identified as important issues:

- Some find it difficult to manage their homes because they are not familiar with the particular detergents and cleaning products used in Australia. Australian standards of hygiene may be completely unfamiliar.

- Financial issues, which affect most refugee and humanitarian entrants, are particularly accentuated when a large family is involved. Delays in obtaining payments from Centrelink (especially the Family Tax Benefit) cause particular distress if there are many dependant children to be fed, clothed and educated as well as rent and utilities expenses to be paid.
- In some communities from the African continent, there is an expectation that men will handle the money, while in others the women believe that Centrelink payments are for themselves and the children.
- Other families are under constant pressure because of the need to send money back to relatives or to repay loans. Even then, tensions can arise between the partners as to whose relatives the couple will support. In addition, for most newly settled refugees from Africa, who have come from camps and/or conflict, a regular regime of payments and repayments is something new.
- In some case, disregard for the elders in a particular community is itself creating divisions within that community. It is sometimes difficult (particularly for service providers and caseworkers) to know who the elders are.
- Some service providers report that within a national community itself, tribal and ethnic differences can generate gossip and mistrust which in turn affects their own volunteers.
- Australian society has clear laws as to what is acceptable behaviour and what is not. Some service providers, particularly those working outside metropolitan areas, report that unacceptable behaviour (family violence, driving without a licence or while drunk and fighting) is more visible and generates misunderstanding and resentment.

Trauma and/or Torture

The torture and trauma issues facing these groups are highly complex and the notion of counselling, as it is understood in Australia, is not at all familiar in some cultures. Consultations have revealed:

- In some communities the levels of sexual violence are higher than in others because of the differing experiences of conflict and displacement.
- Some of the teenage girls who were in camps have to deal with the fact of a pregnancy as they begin their settlement in Australia.
- Others have experienced torture and/or trauma in the camps.
- Some young men coming from West Africa have to deal with issues related to their military service, especially boy soldiers, whose physical and psychological development may have been severely affected.

Time Management

Some African countries have their own calendar and sense of time. Workers and service providers (who expect people to keep to appointment times) need to be aware that some entrants may not be familiar with the calendar used in Australia nor share the same sense of time.

Interpreters

There are few qualified interpreters and translators with the appropriate tribal language skills. There is the added difficulty that in some cultures there is a social hierarchy which does not permit interpreters to be questioned. Further there are sometimes rules in the culture which determine who may speak for whom.

Women

Some women are discriminated against when applying for jobs because of their culture, background and the fact that they adhere to traditional dress standards. If a woman has a large family and small children, she often cannot attend English classes or other organised activities for want of affordable and appropriate childcare.

Service Providers

It is necessary to recognise the diversity in need of the African client groups. Some are highly educated and come from urban backgrounds but many come from cultures radically different to our own. In addition, some have come from backgrounds characterised by disruption, trauma and violence. The first and most important point that must be made is that service providers will need to devote more time to each client. Individual casework sessions will require more time and it will take considerably longer before the entrant is sufficiently settled to be referred to the next provider. Further, more attention needs to be paid to exit strategies because high-needs clients are more likely to require ongoing intensive casework.

Service providers will need to reassess their recruitment and training strategies. More workers may be required to serve people from communities across the African continent. Their greatest resource will be the people from the African continent themselves. People from these communities have varied skills, all of which can be utilised in the learning and training process. Service providers need to consider employing people from African communities who already have the requisite language skills, not only as bi-lingual workers but also as a resource for their service's own learning.

Unless those responsible for providing services (IHSS, MRC/MSA, CSSS and mainstream agencies) become fully versed with the backgrounds, histories, cultures and circumstances of these groups of entrants, there is a grave danger that the new arrivals will either fail to settle successfully or take much longer to do so. It is not sufficient to reproduce models used to settle Indochinese, European or Middle Eastern entrants.

This being said, it is acknowledged that there are some access barriers that must be overcome, not least the fact that:

- members of small and emerging communities are often very mobile and difficult to track;
- child care is expensive and difficult to access. This makes organising training and group work difficult.

iii Recommendations

Noting the particular challenges derived from a new entrant group with high levels of need and few community resources to draw on, the Council recommends that DIMIA:

- i. facilitate (directly or indirectly) a process that brings together the leaders of the ethnic and national groups from the African continent, together with the relevant service providers³⁴ to:**
 - **document the specific issues affecting each community on a State by State basis; and**
 - **make recommendations as to the way the issues could be addressed by IHSS and post-IHSS settlement services and mainstream service providers.**

³⁴

The service providers would include the IHSS providers in each State, MRC/MSA representatives, CSSS workers and representatives of the key State and Commonwealth mainstream agencies, including Centrelink.

- ii. **incorporate the findings of this process into the tender specifications developed for IHSS service delivery arrangements.**

The Council believes such a process is necessary to ensure that any future IHSS arrangements reflect not only the views of settlement service providers, but also those of new and emerging communities, whose members' settlement outcomes will be most directly affected by any new arrangements.

In relation to the specific issues affecting SHP entrants, the Council recommends that DIMIA:

- iii. **implement the suggestion in the Settlement Services Review³⁵ that SHP entrants who meet refugee category criteria be streamed according to their degree of settlement need rather than according to visa category. This will ensure those with the most need receive the full compliment of the IHSS Services;**
- iv. **consider ways to enhance Proposer Support (PS) services, either through combining it with the Initial Information and Orientation Assistance (IIOA), as suggested in the *IHSS Discussion Paper* on page 10, or incorporating it into the services of MRCs/MSAs;**
- v. **enhance support to proposers (see Section 6.4.);**
- vi. **negotiate with Centrelink to develop a system whereby SHP entrants are paid their full entitlement from the day they arrive in Australia.**

³⁵

The relevant section on p 191 reads as follows:

Current pressures on the SHP highlight the issue that the IHSS is drawing a somewhat artificial distinction between the needs of refugee and SHP entrants. As noted earlier in this chapter, under pre-IHSS arrangements, overseas posts streamed entrants into OAA or CRSS based on visa category. In developing the IHSS, DIMIA aimed for a greater focus on individual needs assessment rather than on the blunt instrument of visa category. In practice, DIMIA, while providing greater support for SHP entrants than it once did, is still streaming entrants according to visa category rather than according to their degree of settlement need. This view is supported by feedback from overseas posts that a number of SHP entrants actually meet refugee category criteria, but are allocated to the SHP category due to the quota on places within the refugee category.

7. LIST OF CONTRIBUTORS

The material presented in this submission was gathered over the course of the last year in many meetings and consultations attended by RCOA staff and board members. In addition, a series of consultations were held to seek input for this submission and to canvas community views on recommendations that the Council was considering making.

Input came in the form of participation in group consultations, separate meetings, phone conversations, letters and email messages. The Council would like to thank to make particular reference to the assistance received from the following agencies:

acl	Migrant Resource Centre North East
Afghan Community Support	Migrant Resource Centre North West
Ahmadiyya Muslim Association	Migrant Resource Centre South East
Anglicare	National Council of Churches, CWS
Asia Pacific College of Diplomacy	Refugee Support Network (NSW)
Auburn Migrant Resource Centre	RMIT
Australian Council of Tamil Refugees	Sabian Mandaean Association
Australian Federation of University Women	Sanctuary Refugee Support Network
Australian Red Cross	Somali Community of Victoria
Australian Refugee Association	Southern Sudanese Community
Australian Somali Youth Association	Springvale Community Aid and Advice
Blacktown Migrant Resource Centre	Bureau
Bosnian Information and Welfare Centre	St George Migrant Resource Centre
Bosnian Welfare Association	St John the Apostle CSR Group
Burma Hope Foundation	STARTTS
Canterbury Bankstown MRC	The Cottage
Centre for Multicultural Youth Issues	Transcultural Mental Health FGM Program
Ecumenical Migration Centre	UNHCR
Ethnic Communities Council of Victoria	University of Melbourne
Granville Multicultural Community Centre	Vietnamese Community in Australia
Kashmir Council of Australia	Westgate Migrant Resource Centre
Lao Community Advancement Co-Op	Working Women's Health
Migrant Network Services (North Sydney)	

The Council also consulted with refugees from:

Afghanistan
Burma
Burundi
Colombia
Eritrea
Ethiopia
Ghana

Iraq
Liberia
Sierra Leone
Somalia
Somalia (Somali Bantu)
Sudan

Iran