REFUGEE COUNCIL OF AUSTRALIA

AUSTRALIA'S REFUGEE AND SPECIAL HUMANITARIAN PROGRAM:

CURRENT ISSUES AND FUTURE DIRECTIONS

Views from the Community Sector

February 2006

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Cover Photo: Sierra Leonean refugees in Guinea with transport vouchers to a safer camp (UNHCR)

SECTION 1: EXECUTIVE SUMMARY

Basic Principles

The Refugee Council would like to acknowledge the significant contribution of the Australian Government in the area of resettlement and protection of refugees. It is important that both the onshore and offshore components of the program be based on strong principles if it is to have continued integrity. The Refugee Council contends that the following basic principles should underpin the Refugee and Special Humanitarian Program:

- the refugee component of the program should always be given primacy in order to achieve its objective of assisting the most vulnerable

- 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 for the expansion of the capacity of essential settlement services

- the Woman at Risk category should play a significant role in the program in recognition of the particular vulnerability of refugee women and girls in the country of first asylum

- all refugee entrants should be granted permanent visas and be able to gain access to all settlement services

- the humanitarian program should have provision for people displaced within their own country

- there should be a separate allocation of spaces for the purpose of family reunion for humanitarian entrants that does not impact on the quota

- the program should make provision for a contingency reserve.

Recommendations:

The Composition of the Refugee and Humanitarian Program

Refugee Council Recommends:

1. that there be a standing provision in the humanitarian program for a Contingency Reserve, with an additional 2000 places being made available in emergency situations and at the request of UNHCR.

2. that the offshore humanitarian program numbers be determined independently of the number of onshore protection visas granted

3. that 50% of the offshore humanitarian program be allocated to refugee program entrants.

4. that the policy of excluding otherwise eligible applicants on the basis of the estimated financial costs of a medical condition or a disability cease

5. that consideration be given to the expansion of the 203 visa subclass to assist persons who are facing persecution in their own country and who are in imminent danger due to the absence of a family member who has been granted protection in Australia and need assistance to leave

6. that consideration be given to expanding the use of the existing in-country humanitarian rescue provisions under visas subclasses 201 and 203 to assist internally displaced persons (IDPs) and people who are facing persecution in their own countries and who need assistance to leave by permitting the proposer who is a member of the immediate family of the applicant to be a holder of a permanent protection visa or a permanent refugee or humanitarian visa

7. that a separate subprogram be introduced within the family reunion program to target family members of humanitarian entrants as an alternative to the existing split family provision of the Special Humanitarian Visa

8. that at least 15% of the Refugee Program should be devoted to Woman at Risk entrants

9. that the eligibility criteria for the Woman at Risk visa be revised so as not to automatically exclude women who have a male family member present

10. that the time limit on allowing Woman at Risk entrants to sponsor a spouse or intended spouse be applied with discretion on a case by case basis so as not to cause distress to genuine applicants and their children

11. that all humanitarian entrants be given permanent visas and full access to settlement services

12. that any unused visas be rolled over into the 2007-08 program

13. that the regional composition of the program be as follows:

Africa	60%
South West Asia & Middle East	26%
Asia	11%
South America	2%
Europe	1%

In addition the Refugee Council recommends:

14. that the Australian Government devote more resources to peace and capacity building initiatives for refugee communities in exile and for civil society in states emerging from conflict (such as Afghanistan, Iraq, Sudan and East Timor) and, where possible, in failing states.

15. that the Australian Government develop public education programs focused on developing positive images about refugees and on helping the Australian public understand the role of the offshore humanitarian program and the background of the refugees who have come to Australia under it.

16. that the Temporary Protection and Temporary Humanitarian Visa regime be abolished.

17. that 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;

18. that the policy of mandatory non-reviewable detention be abolished

19. that the regulatory changes made in 1997, which denied community based asylum seekers the right to work, Medicare and income support be reversed

How can the Humanitarian Program and the Special Humanitarian Program best target those in greatest need of resettlement?

The Refugee Council Recommends:

19. that Australia continue to be open to UNHCR group referrals as a supplement to individual identification

20. that Australia consider the resettlement of refugees, (predominantly from Asia and the Middle East), who have moved from their country of first asylum and who have strong protection and resettlement needs

21. that funding be made available either through IAAAS or a similar program, for community based migration agents to provide assistance to proposers or potential proposers under the SHP

22. that culturally responsive guidelines on family composition be developed, following consultation with relevant communities and with people with expertise in international child protection issues

23. that the definition of family under the SHP be revised so as to be consistent with other family reunion visa subclasses

24. that an exception is made to the split family provision of the SHP to allow:

- former TPV/THV holders to sponsor children who reached majority during the course of their temporary visa.

- unaccompanied minor who reached majority while on a TPV/THV to sponsor their parents.

25. that family members of humanitarian entrants who enter Australia through the family category, but would have at the time of entry met the requirements under the split family provision of the SHP, be eligible for the same entitlements and subject to the same conditions as families who enters the country under the split family provision.

26. that DNA testing for SHP entrants only be used in exceptional cases and that the costs be covered under the medical assessment.

What information should be included in pre-embarkation information and cultural orientation classes to ensure that humanitarian entrants have realistic expectations of life in Australia?

The Refugee Council Recommends:

27. that a process is established to ensure that the refugee and settlement sector be fully informed and regularly consulted about the content of pre-embarkation orientation and information

28. that an integrated post-arrival program be established in addition to the existing IHSS

29. that the Australian Cultural Orientation Program be made as accessible as possible to maximise the number of humanitarian entrants completing the classes.

30. that the pre-embarkation orientation and training programs be tailored to the needs of specific caseloads

31. that consideration be given to the role that already settled refugees may be able to play in the pre-embarkation orientation and information both in Australia and overseas.

Have recent enhancements to the Integrated Humanitarian Settlement Strategy (IHSS) improved the abilities of proposers to provide assistance to Special Humanitarian Program entrants?

The Refugee Council Recommends:

32. that the government reconsider their current package of 'enhanced supports' for proposers in light of the successful package trialled in Victoria.

33. that all SHP entrants be assessed and where appropriate be eligible for the full IHSS service

34. that DIMA ensure that there is consistent service provision across the states.

The New IHSS Tender

The Refugee Council Recommends:

35. that DIMA take a proactive approach to addressing the concerns around the new tender arrangements and establishes a transparent process for ongoing quality management, review and evaluation of service provision under the new IHSS.

36. that DIMA ensure that there is consistent service provision across the states.

37. that IHSS services have the flexibility to tailor service delivery to the specific needs of different caseloads and entrant groups (for example Woman at Risk entrants) and that monitoring is put in place to ensure that high need entrants are receiving the settlement support that they require.

What settlement services are available for humanitarian entrants once they exit the IHSS?

The Refugee Council Recommends:

38. that DIMA reconsider the 6 month timeframe for intensive settlement support in recognition of the high needs of the current caseload

39. that IHSS providers establish referral protocols with local settlement service providers

40. that resources be targeted at specialist employment services that can address the specific needs of refugees

41. that Job Network be required to recognise the special circumstances of humanitarian program entrants and tailor services accordingly

42. that more preparation is made to ensure that new arrivals have access to appropriate interpreter services

43. that more funding and resources are targeted at ensuring a smooth pathway into the schooling system for refugee children and young people

What groundwork is required to prepare for and support the establishment of humanitarian settlement in new regional locations?

The Refugee Council recommends:

44. that DIMA refer to the section on rural and regional resettlement in RCOA's 2004 intake submission

45. that DIMA ensure that settlement and other services in rural and regional areas have key information about arrivals well in advance so that preparations can be made to ensure that the specific needs of entrants are able to be met.

What measures are in place to improve health outcomes onshore for newly-arrived refugee and Special Humanitarian Program (SHP) entrants, particularly those from Africa?

The Refugee Council recommends:

46. that protocols are put in place to ensure that medical concerns identified pre-departure are dealt with in an appropriate manner at the time of arrival

47. that medical assessments are completed in the first week of arrival to ensure that any health concerns not identified in the pre-departure assessment can be immediately addressed

48. that consideration be given to the issue of humanitarian entrants accessing specialist medical care that is not covered under Medicare

49. that health issues are a significant component of any post embarkation orientation

50. that funding be made available to ensure the viability of specialist medical clinics that address the specific needs of refugees

SECTION 2: INTRODUCTION

The Refugee Council of Australia welcomes the opportunity to present the following submission to the Minister for Immigration. The submission reflects the issues and concerns of the community sector and is based on a consultation process that has included national, sector wide consultations, consultative meetings with ethno-specific organisations and refugee communities as well as input through a range of other mechanisms including web based questionnaires, settlement forum minutes and direct feedback. Meetings have also been held with other important stakeholders including the UNHCR Australia and Amnesty International.

The recommendations regarding the size and composition of the Refugee and Special Humanitarian Program and the delivery of services to new entrants have been made within the context of a number of significant events and with reference to:

- the RCOA Report from the 2005 meeting of UNHCR's Executive Committee (ExCom)
- UNHCR Projected Global Resettlement Needs, 2006
- The RCOA Report on the 2005 Annual Tripartite Consultations (ATC) on Resettlement and other documents from the ATC
- Human Rights Watch Reports
- Amnesty International Reports

In March 2005 the UNHCR, reflecting on the previous year declared that the number of asylum seekers in industrialised countries had fallen to its lowest level since 1988. The numbers had been steadily declining over the previous three years[1]. The 2005 figures show a continuation of this pattern, with the numbers in the third quarter of 2005 being down 17% on the previous year[2]. While this reduction is in part due to changes in refugee producing states (mainly Afghanistan and Iraq), it also reflects a growing trend in the western world towards tightening border controls and restricting migration.

This trend has been fuelled by the current preoccupation with terrorism, both real and perceived. It is unfortunate that because of all the current public fear and confusion, that the connection between asylum seekers, and refugees, and terrorism and security risks has become blurred. It is important that attention be refocussed on refugees and asylum seekers as victims of terrorism and violence and not perpetrators. As the world becomes increasingly divided, with industrialised states becoming more and more concerned with protecting their own interests, there must be a concerted effort to ensure that the principle of asylum is preserved and that those most in need are provided with protection.

One significant way that the international community assists with this is through the UNHCR's resettlement program. Resettlement provides a durable solution for many

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[1] UNHCR (2005) Press Release, *Asylum claims fall to lowest level since 1988* at *http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&page=home&id=4224411d4*

[2] UNHCR (2006)*, Asylum Levels and Trends in Industrialised Countries, Third Quarter, 2005: Overview of Asylum Applications Lodged in 31 European Countries and 5 Non-European Countries*

refugees while also providing a tangible expression of international burden sharing. The numbers of refugees resettled has increased over the last two years and the UNHCR has been working towards increasing the number of resettlement countries. There are no international legal obligations on signatories to the Refugee Convention to provide resettlement places, and therefore the resettlement of refugees is reliant on the good will of individual countries within the international community.

It is important to view resettlement as an activity that should complement asylum systems. It should never be used to undermine the right to seek asylum or to justify discriminatory policies against those determined to be refugees because they sought asylum through onshore processes. There is an international obligation on state signatories to the 1951 Refugee Convention to provide protection to asylum seekers found to be refugees irrespective of how they entered a country. However, there is no such obligation on states to provide resettlement places. Both processes are legitimate responses to refugee protection and should be seen as complementary but separate parts of a larger refugee protection system.

The following submission addresses the questions outlined in the 2006-07 Humanitarian Program – Discussion Paper. However it also seeks to present concerns arising from the community consultations that are related to, but go beyond the discussion paper questions. The submission will also focus on elements of the onshore component of the Humanitarian Program as well as the size and composition of the offshore component.

SECTION 3: AUSTRALIA'S RESPONSE

The degree to which Australia's participation in global solutions that address issues of asylum and protection achieves significant and sustained outcomes, is greatly dependent upon the manner in which Australia:

- engages with multilateral initiatives
- further develops bilateral aid opportunities
- responds to issues of asylum at a domestic level
- manages and promotes resettlement

3.1   Multilateral Initiatives:

There are various intergovernmental meetings in which Australia participates that have direct relevance to refugees. These include UNHCR's Executive Committee Meeting (UNHCR ExCom), the UNHCR Standing Committee Meetings, the Annual Tripartite Consultation on Resettlement (ATC), the High Commissioner's Forum, meetings of the International Organisation of Migration (IOM) and the UN Human Rights Commission.

In order to use these meetings in the most constructive manner possible, participants must ensure that they are adequately prepared through comprehensive dialogue with all relevant government agencies and the achievement of meaningful discussions with the community sector.

There is considerable scope for current dialogue to be strengthened to ensure better input from civil society. In this regard, RCOA would like to reiterate recommendations made previously which would ensure:

the establishment of an annual timetable of consultations that dovetails with the key international meetings, not least UNHCR ExCom;[3]

participation in these consultations of lead agencies in the refugee, human rights and development assistance sectors;

an active commitment by DIMA, as lead agency on refugee issues in the Australian Government, to disseminate relevant information about the meetings in a timely manner so that dialogue can be meaningful and relevant;

an active commitment from other government agencies, in particular AusAID, DFAT, DFACS and the Office of the Status of Women, to participate in this dialogue.

In this context it is important to recognise and endorse the practice of including observers from the non-government sector in the delegation to UNHCR's ExCom, the success of which relies on the implementation of the above recommendations.

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[3]It is argued that these consultations be distinct from the current DIMA-IGO-NGO Consultation, which plays an important role but does not have provision in the agenda to do justice to the broader issues required in this instance. Additionally, participation in the recommended consultations would require representation from a broader group of agencies than that which currently exists for the DIMA-IGO-NGO meetings.

A range of initiatives, in which Australia has played a role, aim to address the root causes of refugee flight, provide protection and work toward durable solutions. Such initiatives include Convention Plus and its concrete application in the Comprehensive Plan of Action for Somalia to which the Australian Government has given in principle support.

In addition, it is important not to overlook one of the areas in which Australia has performed most creditably over the years -- this being its participation in multilateral peacekeeping initiatives. The involvement of Australian troops and police in East Timor and the Solomon Islands has been very important for the establishment of stability and for capacity building amongst local authorities.

3.2   Bilateral Aid

There are many ways that the Australian Government can engage at a bilateral level that will complement its multilateral activities and form what should be a whole of government approach to assisting refugees.

One of the most important ways Australia can be engaged at this level is to actively promote the development of robust civil society in states and regions in which there are current or unfolding refugee situations.

The Refugee Council recommends that the Australian Government devote more resources to peace and capacity building initiatives for refugee communities in exile and for civil society in states emerging from conflict (such as Afghanistan, Iraq, Sudan and East Timor) and, where possible, in failing states.

Recent events involving asylum seekers from West Papua and their subsequent detention at Australia's offshore processing facility on Christmas Island should serve to remind the Australian Government of the importance of engaging with countries in our immediate region to ensure that refugees and asylum seekers are afforded effective protection.

When considering Australia's total contribution to refugees and to bilateral initiatives that work towards solutions, it is important to consider the extent to which Australia's aid program has a true poverty reduction focus in the areas where refugees are found.

In recent years, the Australian Government has taken some positive steps in support of poverty reduction initiatives and has responded to crises in our region including:

- making an ongoing commitment of aid to tsunami affected areas

- providing support for initiatives towards achieving stability, good governance and sustainable development, particularly in PNG and the Solomon Islands

- recognising the importance of global debt relief for development, cancelling Australia's bilateral debts with Ethiopia and Nicaragua, and 80% of Iraq's debt

After a 30 year period during which Australia's level of Overseas Development Assistance (ODA) failed to keep pace with growth in Gross National Product (GNP), a commitment was made in the 2005-6 Federal Budget to increased Australia's level of aid from 0.02% of GNP to 0.28% of GNP, equivalent to an increase of $358 million.

It is not just the quantity of aid that is an issue, it is also the way the aid is distributed. The most recent international figures indicate that only 26% of Australian aid went to the Least

Developed Countries[4] and almost 40% went to middle income countries, which are more likely to have the resources to assist their own poor. The Asia-Pacific region contains two thirds of the world's poor, some 800 million people. However in 2004-05, 53% of Australia's country-allocated aid was targeted at only some 3 million of the 800 million very poor people in our region, or about 0.4% of our region's poor[5]. Some of the poorest countries within our region are Afghanistan, Pakistan, Cambodia, East Timor, Burma and Laos and all are either refugee producing countries, hosting large numbers of refugees or countries that are emerging from recent political upheaval. With the exception of East Timor, Australian aid to these countries is well below that which is needed to promote sustainable peace, reconciliation and reconstruction.

Another important consideration is Australia's aid to Africa which after a 10-year period of decline, has increased by $9.6 million to $77million for the year 2005-6[6], more appropriately reflecting an acknowledgement of the scale of the refugee crises on that continent, which currently constitutes 70% of Australia's resettlement program.

An additional dimension that should be considered in this context is food aid. In December 2004 UNHCR issued a warning that in the coming year, about one million refugees, most of whom are in Africa, face hunger and malnutrition because of the inadequate donations from western governments. Australia's contributions to the World Food Program have been steadily decreasing in recent years from $50.4 million in 2001 to $32.5 million in 2005-6.

Another relevant consideration is the core contribution that Australia makes to the UN High Commissioner for Refugees. AusAID's allocation to UNHCR has remained static at $7.3 million for the last four years, halved from approximately $14.3 million in 2000-1. This comes despite repeated calls from UNHCR for additional resources from member states in order to appropriately address the basic needs of the world's refugees. The total budget for UNHCR in 2005 is US$1.35 billion.

RCOA contends that, DIMA as lead agency for refugee issues within the Australian Government, has a responsibility to engage with AusAID and with the Australian Council for International Development (ACFID) to discuss how Australia's aid program can more effectively complement the work being undertaken by DIMA in conjunction with UNHCR to address root causes, tackle protracted refugee situations and find durable solutions for refugees.

3.3   Asylum

In recent years, Australia's policies in relation to those seeking asylum have drawn sustained criticism from the Refugee Council, others in the community sector and also from intergovernmental bodies such as UNHCR. Detailed positions arguing for the review and reform of these policies have been proposed by the Council on many occasions both privately in consultation with DIMA and in public position statements. The following section will focus on the impact these government policies have had on the Refugee and Special Humanitarian Program and Australia's response to the global situation of refugees and asylum seekers.

While there have been some welcome changes in the past twelve months, policies relating to border protection and those aimed at deterring unauthorised arrivals such as interception, offshore processing, mandatory non-reviewable detention and the use of

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[4]   OECD *DAC Annual Report 2003* Table 26
[5] World Bank PovcalNet database
[6] This however remains well below, 69% of the level of aid to Africa during 1994-5.

Temporary Protection Visas for Convention refugees have remained in place and largely unchanged.

As a signatory to the 1951 Refugee Convention, Australia has voluntarily accepted obligations to protect and assist those who fall within its mandate. It has been the Council's position that these policies have worked contrary to Australia's protection obligations and international protection mechanisms through:

- directing unprecedented levels of Commonwealth expenditure towards the implementation of policies aimed at preventing asylum seekers from entering Australian territory and maintaining mandatory detention, rather than focusing on multilateral initiatives which manage secondary movement through preventing refugee crises at their source. In 2002-3 the Australian Government set aside $2.8 billion toward border protection and policies of deterrence compared with only a mere $7.3 million allocated to UNHCR to address refugee crises at their root. This equates to spending $700,000 to deter each of the 4,000 asylum seekers coming by boat while only allocating 30 cents to assist each of the 23 million refugees worldwide[7]. While the balance of expenditure in this regard has improved, funding to the UNHCR and the policies themselves remain basically unchanged

- preventing individuals who may have legitimate claims to protection from having access to refugee status determination procedures. The interception and turning back of asylum seekers whether at Australian airports or those arriving by boat does not sit well with our adoption of the Universal Declaration of Human Rights. Article 14 states: *Everyone has the right to seek and enjoy in other countries freedom from persecution*

- contributing to the emotional difficulties, psychological trauma and social exclusion of already vulnerable people through the policies of mandatory non-reviewable detention and the use of the Temporary Protection Visa. The Australian Government has been made aware through a variety of means of the severe and significant impact of these policies, not the least of which was the lengthy investigation by the Human Rights and Equal Opportunity Commission into the impacts of immigration detention on children conducted during 2001 and 2002. While there have been a range of welcome reforms in recent years, the policies remain and despite these reforms, the impacts of these policies will be felt for many years to come. Reports detailing a significantly high incidence of serious mental health issues for refugees who have been through immigration detention and the TPV regime are numerous. Issues of delayed settlement experienced by these individuals and communities are also beginning to have a significant impact upon the capacity of settlement service providers to address the complex needs of this caseload, which has a flow-on effect for individuals now arriving through Australia's settlement program

- neglecting to afford refugees and community-based asylum seekers the rights and entitlements as outlined by accepted international instruments such as the International Covenant on Civil and Political Rights (ICCPR) such as the right to work, the right to be reunited with family and the right to medical care (community-based asylum seekers without work rights do not have access to Medicare, with many experiencing a denial of access to adequate or appropriate health care as a result)

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[7] Refugee Council of Australia, 2002, RCOA's Reflections on the 2002-2003 Federal Budget, May 2002.

With respect to Australia's response in relation to those seeking asylum and recognising that significant reforms have taken place during the previous twelve months, the Refugee Council recommends the Australian Government abolish:

- *the Temporary Protection and Temporary Humanitarian Visa regime and*

- *the policy of mandatory non-reviewable detention*

The Council also urges the Australian Government to reconsider the regulatory changes made in 1997, which denied community based asylum seekers the right to work, Medicare and income support throughout the entire refugee determination process

3.4 Resettlement

Australia has a long and proud tradition of humanitarian resettlement and offers a range of settlement services to refugees that are amongst the most comprehensive in the world. In 2004, Australia was second only to the US, in numbers of refugee resettled.

In light of earlier discussions regarding the various multilateral meetings and initiatives in which Australia plays a role, it is important to note recent developments from the 2005 Annual Tripartite Consultations on Resettlement that include:

- the commencement of discussions regarding resettlement with the European Union

- increased donations to UNHCR by member states (the Council would hope that Australia reconsider its contribution that has not increased during the past 4 years)

- increased use of International Catholic Migration Commission (ICMC) deployment scheme, about which discussions have taken place regarding the participation of Australia in the scheme to further enhance UNHCR identification and referral capacities

The further strengthening of Australia's resettlement program is also important in the light of marked increases in recent years of the numbers of refugees resettled worldwide rising from 27,000 in 2003 to 42,000 in 2004, and with a further increase of 50% to 83,700 in 2005. These increases have been quite significant, particularly since the dramatic drop immediately following the events of September 11 2001, and the subsequent geopolitical issues which have arisen that could threaten global protection systems.

RCOA appreciates the very commendable efforts made by DIMA staff to find ways to deliver the program in a more efficient and effective manner. These achievements include the establishment of the travel loans scheme for humanitarian entrants, the expansion of onshore processing for SHP applicants and the work done to improve pre-embarkation cultural orientation for refugee and humanitarian entrants to Australia.

While there are many successful elements of Australia's resettlement program, some recent developments have generated concern for those working in the sector, namely competitive tendering arrangements for the delivery of settlement services and unanticipated difficulties associated with rural and regional settlement.

The Council has expressed concerns in the past relating to tendering arrangements and that the process:

- results in uncertainty and a degree of suspicion in the settlement services sector
- erodes previous collaborative relationships between agencies and organisations
- leads to a loss in the skill base of settlement workers
- potentially has a significant impact on the effective delivery of settlement services to newly arrived and highly vulnerable individuals

While rural and regional settlement has brought some welcome benefits for both refugee communities and the regional areas in which people have settled, there is a range of problems associated with service delivery and coordination of services that impact significantly on individuals and families, particularly those who are new entrants.

As has been discussed in this section, Australia's response to refugees is observed to be somewhat inconsistent. There is no whole of government approach and while the resettlement program is commendable, there are significant deficiencies in other areas. This lack of balance not only means that Australia is not doing all it can to assist refugees, it is diminishing the achievements in those sectors that are strong. As an example of this, in the years following Tampa, Australia was viewed as a country fixated solely on border protection. It has thus become more difficult for those within government and in the NGO sector to engage with colleagues overseas – and with the Australian public – on resettlement and settlement issues.

It is interesting to reflect on this issue from the perspective of its impact on the Australian public's perceptions of refugees. The media focus on boat arrivals, detention and related matters has created a situation where most Australians believe that the majority of all refugees are "illegals" who come by boat. There is comparatively little awareness of the offshore program. Recent media stories such as those about the arrival of the Liberians and, the Sudanese settling in Warrnambool and the Iraqi communities in Shepparton and Cobram are obviously helping to change community perceptions. However, the Council believes that they are only really scratching the surface of deep-seated and widely held prejudices that when given voice through media and political statements, make it far more difficult for refugees to be appropriately accepted into the Australian community.

For this reason the Refugee Council recommends that the Australian Government develop public education programs focused on developing positive images about refugees and on helping the Australian public understand the role of the offshore humanitarian program and the background of the refugees who have come to Australia under it.

SECTION 4: COMPOSITION OF THE REFUGEE AND SPECIAL HUMANITARIAN PROGRAM

The Refugee Council would like first to reiterate its concerns around the estimation of the numbers of refugees in need of resettlement according to the UNHCR's Projected Resettlement Needs for 2006. While the number, of 48,530 is an increase on last year it is still well below the combined resettlement capacity of all resettlement countries. The UNHCR has acknowledged that the resettlement needs are in fact much greater than that stated and this is due to their limited administrative capacity to assess and identify need. In a world where there are an estimated 12 million refugees and where, at the end of 2003, there were 6.2 million refugees living in protracted refugee situations[8], it is difficult to contemplate that there are fewer than 50,000 refugees or those in refugee like situations who are in need of resettlement.

That said however, the value of this document lies in the identification of vulnerable groups for consideration. It is also important for individual resettlement countries to draw on other sources in determining actual needs in the composition of their programs. It is welcome and significant that the Australian Government consults with the community sector when making these decisions and the Refugee Council is appreciative of being able to have input into this process. The following section should be seen in light of the key principles already outlined in the Executive Summary.

4.1   Program Size

While the increase in the size of the humanitarian program in 2004-05 to 13,000 was greatly appreciated, there is concern that the program remains relatively small compared to the rest of the migration program. As the general (non-humanitarian) migration program has grown in response to family, skilled migration and business imperatives it is the belief of the Refugee Council's constituents that the humanitarian program should have grown in response to the continuing need for refugee resettlement and Australia's capacity to provide it. Discussion elsewhere in this paper demonstrates a clear need for an increase in resettlement opportunities worldwide for vulnerable groups escaping violence and persecution.

As a percentage of the overall program the humanitarian component has actually decreased from 17% of the total intake in the 2000/01 year to 11% in 2004/05. There is an expectation that despite the numerical increase, 2005/06 will fall to 10% of the total migration intake.

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[8] UNHCR (2004), Protracted Refugee Situations, Executive Committee of the High Commissioners Programme, Standing Committee at
http://www.unhcr.org/cgi-bin/texis/vtx/statistics/opendoc.pdf?tbl=STATISTICS&id=40ed5b384
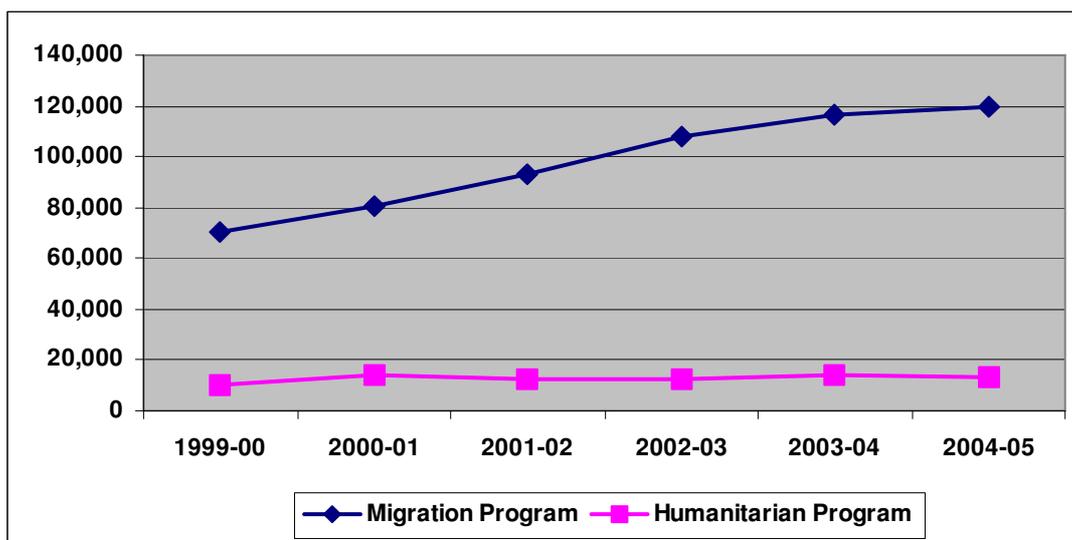
With Australia's population growth in decline and the considerable need for resettlement places it makes sense to ensure that the Humanitarian intake continues to grow incrementally as have both the skilled and the family migration streams

The Refugee Council recommends that the offshore program be increased to 14,000 in 2006-07

4.2. Contingency Reserve

It is the view of the Refugee Council that should an emergency occur that warrants the emergency provision of a substantial number of resettlement places within that program year, these places should be added onto the program rather than removed from existing allocations to other entrant groups or "borrowed" from the next year's program. Such a program would be an acknowledgement of the fragility of the world experiencing an era of terrorism and extremism. It would make humanitarian provision for immediate and rapid responses when humanitarian disasters occur. The Council commends the government on its commitment to further develop protocols for the referral of emergency cases from the UNHCR that would be independent of the main quota.

The Refugee Council recommends that there be a standing provision in the humanitarian program for a Contingency Reserve, with an additional 2000 places being made available in emergency situations and at the request of UNHCR.

4.3. Numerical Linkage between the Offshore and Onshore Programs

The numerical linkage between the offshore and onshore humanitarian programs continues to be of major concern. The Council has over some time, argued that the onshore and offshore programs, though currently linked in practice are, in fact and should always be, distinct in inception and motivation. One program should never have an impact on the other for the following reasons:

• 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 commitments

- 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 and internationally with other nations.

The Refugee Council strongly believes that 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. The offshore program on the other hand is the Australian Government's most significant contribution to the humanitarian work of the UNHCR and should thus be regarded as aid and not a conditional grant.

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

4.4 Program Composition

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

4.4.1 Sectoral Composition

The offshore humanitarian program comprises seven separate visa subclasses each with its own selection criteria, which will be addressed separately below. It is the view of the Council that the Refugee category, which includes the Refugee, In-country Special Humanitarian, Emergency Rescue and Woman at Risk sub-categories, is central to our humanitarian response, forming as it does a way of protecting highly vulnerable refugees and assisting UNHCR to fulfil its mandate. The numbers allocated to the refugee component of the humanitarian program must therefore be a clear demonstration of its primacy within the program. The council would also like to stress that if the purpose of the refugee category is to target those who are the most vulnerable and in need of protection, then the existence of a medical condition or a disability should not be the sole reason for excluding an otherwise eligible entrant from the refugee program.

The Refugee Council recommends:

- ***that 50% of the offshore humanitarian program be allocated to refugee program entrants***

- ***that the policy of excluding otherwise eligible applicants on the basis of the estimated financial costs of a medical condition or a disability cease***

i.   Refugee (Visa Subclass 200)

The Refugee Council contends that the selection for the refugee subclass should be on the basis of need for resettlement rather than an assessment of the individual's capacity to settle successfully. Priority should be given to those identified by UNHCR for resettlement or those whose resettlement is supported by the UNHCR. For those refugees who contact an Australian mission directly or are brought to the attention of DIMA officers by NGO/IGO staff or friends/relatives, consideration for the program should be on the basis of need.

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

Of the persons of concern to UNHCR, almost 26% are people displaced within their own countries 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 human rights. In the past, recognition has been given to the needs 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 countries, 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 allocated to SAC entrants.

As beneficial as the SACs were for the target groups at a particular time in history, 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 vulnerable people who were still in their country of origin. While the In-country Special Humanitarian visa could theoretically do this, it was used predominantly for entrants from Latin America in the 1980s and has been only used sparingly since, to allow entry to small numbers of persons of concern.

At the UNHCR's annual Executive Committee meeting in October 2005 the body made a commitment to strengthen its involvement in the protection of internally displaced persons (IDPs). In line with this commitment the Refugee Council calls on the Australian government to assist in this effort by ensuring that places are made available for IDPs within the Refugee and Humanitarian Program.

RCOA believes that there is scope to expand the use of the existing in-country humanitarian rescue provisions under visas subclasses 201 and 203. The criteria should be changed to permit the proposer who is a member of the immediate family of the applicant to be a holder of a permanent protection visa or a permanent refugee or humanitarian visa to assist internally displaced persons (IDPs) and people who are facing persecution in their own countries and who need assistance to leave.

This requires at least two definitive actions on the part of the Australian Government. Firstly that there needs to be a policy decision allowing greater use to be made of these

humanitarian rescue provisions, and secondly that migration officers overseas, be made aware of how the in-country visas can be used.

It is acknowledged that it also requires a 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 many 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 Bangladesh or Mandeans in Iran. The Refugee Council believes that an in-country visas should be considered when requests for assistance are received from groups such as the above.

iii.   The Special Humanitarian Program (Visa Subclass 202)

Since the closure of the Special Assistance Category, the Special Humanitarian Program (SHP) has assumed 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 has, however, altered the dynamics significantly.

In the current year's program, Africa remains the major focus of the humanitarian program. It is well recognised that today's entrants become tomorrow's proposers. It is thus necessary to recognise the capacity and limitations of current and future proposers and plan settlement supports accordingly. This will be discussed further in Section 6, with particular attention being given to the "enhancements" to proposer support.

The Special Humanitarian Program also has a "split family" provision under which permanent humanitarian entrants can propose immediate family members, separated through the refugee experience, so long as they were listed on their initial application. Applicants under this provision are not required to prove substantial discrimination amounting to a gross violation of human rights. The SHP is therefore used for family reunion and enables the entrant to access supports and services that are not available under the normal family stream of visas. This is extremely important as the immediate family members of humanitarian entrants are often refugees themselves or are coming from refugee like situations and have similar needs to other humanitarian entrants. While the UNHCR promotes immediate family reunification which is a key element of the settlement process, the Council believes that places for this purpose should be made available under the Family category rather than taken from the humanitarian program. The Council has long advocated for the introduction of a specific family reunion visa for

humanitarian entrants that does not impact on the humanitarian quota but has the same supports and conditions as the Special Humanitarian Program. Please see Section 6 for further comments on the SHP and the split family provision.

The Council recommends that a separate subprogram be introduced within the family reunion program to target family members of humanitarian entrants as an alternative to the existing split family provision of the Special Humanitarian Visa.

iv.   Emergency Rescue (Visa Subclass 203)

In several past Intake Submissions the Refugee Council has 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 had not referred 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 few 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.   Woman at Risk (Visa Subclass 204)

The Woman at Risk category was created by UNHCR in recognition of the particular vulnerabilities refugee women and girls face in the country of first asylum and the difficulties many face in obtaining effective protection in that environment or on return to their country of origin. 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.
- lack of legal recourse and impunity for perpetrators of violence against women

Australia is one of a relatively small number of resettlement countries that have a specifically designated program for refugee women who are at risk in the country of first asylum. This is highly commendable and the Council welcomes the fact that the number of visas granted has been consistently above the quota. It is important however, that it remains under continual review to ensure that best possible use is made of the program in a constantly changing environment.

Program size
If the objective of the humanitarian program is to target the most vulnerable refugees, then an increased focus on women should be considered. Women experience additional

vulnerabilities as refugees because of their gender and this often increases when they are not accompanied by a spouse, father or adult male family member.

RCOA recommends that at least 15% of the Refugee Program should be devoted to Woman at Risk entrants.

Eligibility criteria

UNHCR[9] accepts that a woman can be at risk even if a male family member is present, in particular where that person is unable to protect the women from the violence or abuse she is exposed to, or may in fact be the perpetrator. Other countries with similar programs, in particular Canada and New Zealand recognise this in their program selection but as a rule, Australia tends to exclude cases where there is a male relative present. The Refugee Council believes that the selection criteria should be more closely aligned with the UNHCR's intent and international practice.

RCOA recommends that the eligibility criteria for the Woman at Risk visa be revised so as to not automatically exclude women who have a male family member present.

Restrictions on sponsorship

Currently 204 subclass visa entrants are not eligible to sponsor a spouse or intended spouse for a specified period after arrival. The Refugee Council contends that it is necessary to balance efforts to prevent fraud with the reality of the refugee experience. The level of confusion and family disintegration generated by conflict is such that it is quite feasible for a woman who believed herself to be a widow to discover later that her husband is alive. Cultural misunderstandings can also complicate the issue. There have been cases where women have interpreted 'separated' as meaning 'not presently in the company of' rather than 'estranged' and have been accused of fraud when they seek to reunite with a husband.

RCOA recommends that the time limit on allowing Woman at Risk entrants to sponsor a spouse or intended spouse be applied with discretion on a case by case basis so as not to cause distress to genuine applicants and their children.

Settlement support

Selection for the Woman at Risk program is based on the particular vulnerability of the entrant yet there is no specific settlement response for these entrants. The majority of 204 visa holders have more intensive settlement needs than other humanitarian entrants because the majority are victims of violence. In addition many are in charge of families without support networks. Please see section 6 for further comments on the settlement requirements of Woman at Risk entrants.

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)

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[9]   UNHCR Resettlement Handbook 2004 Section 4.5.2: 'Risks of abduction, rape, sexual abuse, harassment and exploitation are just some of the problems experienced by refugee women, whether they are single, widowed, *or accompanied by a male family member'* (emphasis added).

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 and precludes family reunification.

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 Council remains deeply concerned about the punitive nature of these visas.

The Refugee Council recommends that all humanitarian entrants be given permanent visas and full access to settlement services.

4.4.2 . Regional Composition

Each year in its submission on the size and composition of the Refugee and Special Humanitarian Program, the Refugee Council gives careful consideration to developments around the world in the last 12 months that have affected or potentially will affect:

- the number of refugees in any given region
- the effectiveness of the protection available to refugees in the source region
- the prospects for repatriation

In the current submission the results of this analysis are presented in the tables on the following pages, with particular attention being given to how the unfolding events are likely to translate into resettlement need in the coming year. In summary:

- while there have been a number of significant developments in parts of Africa in the last year, including the formal signing of the peace agreement in Sudan, resettlement needs continue to remain high and it is appropriate that Africa remain the main focus of Australia's humanitarian program. It should be emphasised that the presence of UNHCR repatriation operations do not automatically mean that there are no longer resettlement needs in these countries. That said RCOA believes the African program should be diversified to reflect shifting needs across the continent. The largest projected settlement need for 2006 being refugees from the Democratic Republic of Congo (DRC) where there is a projected resettlement need for 7106 places[10]. RCOA also considers that the proportional allocation is currently too high as it does not allow sufficient attention to be given to other deserving caseloads.

- the second largest projected resettlement caseload for 2006[11] is refugees from Iraq. It should also be stated that the regions of South West Asia and the Middle East continue to be a focus of the UNHCR, with Iran and Afghanistan also having high resettlement needs. It is important that Australia respond appropriately to this

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[10] UNHCR Projected Global Resettlement Needs 2006
[11] ibid.

identified need and in particular consider UNHCR requests to resettle 'out of region' cases with strong protection and resettlement needs.

- with the increasing use of resettlement as a tool to address protracted refugee situation in Asia and the increased capacity to resettle refugees currently in Thailand and Malaysia it is important that Australia has a greater focus on this region. While previously the program has consisted mainly of refugees from Myanmar and Laos, it is recommended that this be diversified to address protection needs of smaller groups throughout Asia where resettlement remains the only viable durable solution.

- 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.

- while the need for resettlement places for refugees and internally displaced persons (IDPs) in Europe has diminished, there remains a residual Balkan caseload who remain in limbo, facing substantial discrimination and exclusion, and for whom solutions are required. In addition, careful attention must be given to the deteriorating situation in a number of the former Soviet States.

On the basis of the above, the Refugee Council recommends that the regional composition of the program be as follows[12]:

Africa	*60%*
South West Asia & Middle East	*26%*
Asia	*11%*
South America	*2%*
Europe	*1%*

The rationale for this allocation is outlined on the following pages.

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[12] This regional breakdown is based on refugees originally from these regions

AFRICA

BURUNDI

13

Burundians went to the polls in February 2005, 12 years after the last elections in 1993. The result was the formation of a government comprising equal power sharing between Hutus and Tutsi ethnic groups and political parties. The new government sought to end the ongoing war with the Forces of National Liberation (FNL), a group controlling territories around the capital. [14]

Despite promises of greater stability, throughout 2005 there were still numerous incidences of violence, where both FNL and government soldiers killed, raped, abducted and robbed civilians.

The new government's rule has not been to the satisfaction of many Burundians, with instances of continued abuse of power by soldiers who beat and then executed four civilians in early October 2005. [15]

Some 50,000 Hutu refugees living in Tanzania returned to Burundi in 2005 and the total number of returnees since 2002 now numbers 230,000. There have been issues of land claims for returnees: local commissions, working under a national office, are intended to resolve conflicting claims. With the return home of even more Burundian refugees, land claim disputes will inevitably increase. [16]

There are approximately 145,000 IDPs in Burundi who live in 170 camps or communes.

Burundian refugees requiring urgent resettlement include:

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[13] All maps in this section have been sourced from the BBC website.
[14] Human Rights Watch, World Report 2006, Essential Background: Overview of Human Rights Issues in Burundi
[15] Ibid
[16] Ibid

- **Burundian refugees who fled to Tanzania in 1972[17] and who have severed ties with their former homeland.**
- **Burundian refugees who fled to neighbouring countries and are survivors of violence and torture, women at risk, those with legal and protection needs and those with a political profile.**

DEMOCRATIC REPUBLIC OF CONGO

The Democratic Republic of Congo (DRC) has suffered from a five-year conflict that has pitted government forces, supported by Angola, Zimbabwe and Namibia against rebels backed by Uganda and Rwanda.

A peace deal was struck and a transitional government formed in 2003 however the threat of civil war still threatens. UN forces have been deployed in the DRC since 1999 – the UN Mission in the Democratic Republic of Congo (MONUC) – with currently around 16,500 troops stationed around the country.[18]

In 2005 the Democratic Republic of Congo's (DRC) government suffered from continued conflict between its four principle parties, however after two years in power managed to maintain control of much of the eastern region.

June 30, 2005 elections were postponed and are scheduled for mid 2006. These will be the first in the DRC since 1965.[19]

The DRC has a population of 58 million. There are approximately 1.5 million IDPs and another 433,000 in exile as refugees. Since the mid -1990s around three million people have died as a result of the conflict.[20]

On January 31 2006, the Sudanese and DRC governments signed separate tri-partite agreements with the UNHCR to set up a legal framework for the voluntary return of 13,300 Sudanese refugees in the DRC and 6,800 Congolese in Sudan. Most Congolese refugees

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[17] UNHCR Regional Office for Australia, NZ, PNG and the South Pacific, 31 January 2006, Resettlement Needs and Priorities: Minister's Consultations on the 2006-2007 Migration and Humanitarian Programs, p13
[18] UNHCR Global Appeal 2006, p90
[19] BBC Website, Country profile: DRC, http://news.bbc.co.uk/2/hi/africa/country_profiles/1076399.stm
[20] Ibid

are living in Juba, the new capital of South Sudan, as well as Ezo and Yambio in Western Equatoria and Khartoum.[21]

UNHCR objectives are to repatriate some 123,300 Congolese refugees to the DRC by the end of 2006 either under the voluntary repatriation programme or as spontaneous returnees. In addition, UNHCR hopes to repatriate Angolan, Burundian, Sudanese and Rwandan refugees residing in the DRC.[22]

UNHCR views Congolese refugees needing urgent resettlement to be:

- **Those in Uganda who have fled persecution from the Rassemblement Congolais pour la Democratie (RCD) and are facing security problems because of the geographic proximity and the previous involvement of Uganda and Rwanda in the war in the eastern DRC.[23]**
- **Individual submissions from Congolese living in Gabon and Rwanda on the basis of their need for legal and physical protection as well as victims of torture and women-at-risk.[24]**

ERITREA
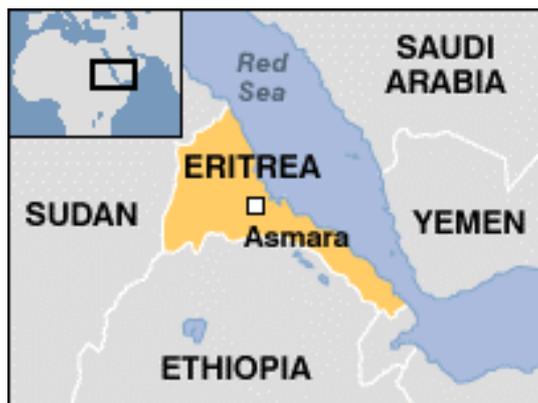
The Eritrean government's four-year border dispute with Ethiopia continued to escalate and to be used as justification for further repressive policies and intimidation of the population.

United Nations Mission in Ethiopia and Eritrea (UNMEE) border control activities were increasingly interfered with by the Eritrean government who threatened to resume war unless Ethiopia accepted an independent Border Commission decision which it considered favourable.[25]

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[21] IRIN News, 31 January 2006, DRC-Sudan: New Agreement could see thousands of refugee repatriations, http://www.irinnews.org/report.asp?ReportID=51482&SelectRegion=East_Africa,%20Great_Lakes&SelectCountry=DRC-SUDAN
[22] UNHCR Global Appeal 2006, p92
[23] UNHCR Regional Office for Australia, NZ, PNG and the South Pacific, 31 January 2006, Resettlement Needs and Priorities: Minister's Consultations on the 2006-2007 Migration and Humanitarian Programs, p5 & 6
[24] Ibid
[25] Human Rights Watch, World Report 2006, Eritrea Country Report

Throughout the year internal displacement of people in the border region continued to be a significant issue for UNHCR with more than 50,000 internally displaced persons (IDPs) living in and outside camps and unable to return to their places of origin.[26]

Eritrea is one of the most food-aid dependent countries in the world, with 2.3 million of the total population of 3.6 million requiring food-aid in 2005.[27] The United Nations stresses the need for additional food aid saying that recurrent drought has caused failed harvests, loss of livestock and food insecurity. In addition, large numbers of men are involved in compulsory national and military service requirements excluding them from agricultural work.[28]

Human rights watchdogs have warned that religious persecution of non-sanctioned religions such as Jehovah's Witnesses and followers of the Pentecostal denomination reached new heights in 2005. At least 26 priests and pastors and 1,750 church members including children and 175 children and numerous Muslims have been detailed because of their religious beliefs. Journalists have also been the subject of government reprisals and at the time of writing: a total number of 15 arrests taking place since the post-election crackdown.[29]

Eritrean refugees requiring resettlement may include:

- **Those in need of physical or legal protection in Kenya and Sudan**
- **Kunama and Tigrinya refugees in Ethiopia**

ETHIOPIA
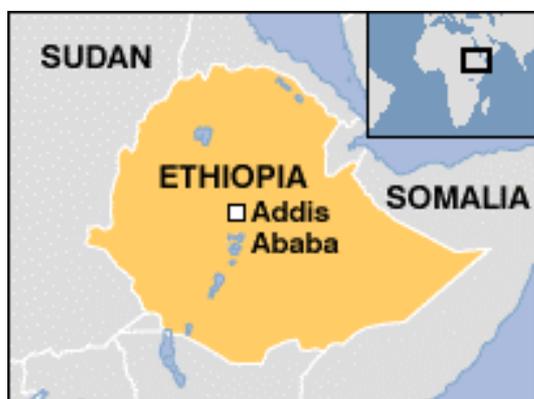
The brutal government crackdown following the May 2005 parliamentary elections confirmed observers' fears that the Ethiopian government was continuing its heavy-handed oppression of any political dissent.

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[26] Internal Displacement Monitoring Centre, Feb 2006, Eritrea Country Statistics, http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/1FA60B01C8DC35E9802570A7004B273E?opendocument&count=10000

[27] Food and Agriculture Organization of the United Nations, June 2005, Protracted hunger season expected in Eritrea, http://www.fao.org/newsroom/en/news/2005/102942/

[28] Ibid

[29] Human Rights Watch, World Report 2006, Eritrea Country Report

In early June 2005 tensions reached boiling point and protests erupted in Addis Ababa in defiance of a government ban on public gatherings. What ensued was a violent government response, resulting in the killing of at least 36 unarmed civilians and the wounding of around 100. The arrest of several thousand opposition supporters throughout the country followed. [30]

Later in 2005 there were further brutal government reprisals when talks between government and leading opposition parties broke down. The result was the death of at least 46 people and the arrest of more than 4000 people in Addis Ababa and other towns. [31]

Adding to the plight of the Ethiopian population is the continuing drought throughout much of the country. The UN estimates that 10 million Ethiopians will need humanitarian assistance in 2006, out of this around 2.6 million will require emergency food aid assistance.[32]

Resettlement remains an important solution for many Ethiopian refugees, both those from past conflicts and those being displaced by more recent events. Those in need of resettlement include:

- **Ethiopian refugees in Kenyan refugee camps who may present claims linked to ethnicity or imputed political opinion such as the Aromno ethnic group (CHECK);**
- **Victims of torture;**
- **Women at risk cases;**

LIBERIA

In 2003 the Liberian government signed a peace agreement that ended three years of internal armed conflict and the deployment of 15,000 UN peacekeepers.
However parliamentary elections completed in Liberia in October and November 2005 signalled a major step towards a semblance of democratic rule. For the first time in Africa's

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[30] Human Rights Watch, World Report 2006 Ethiopia

[31] Ibid

[32] ReliefWeb, 23 Jan 2006, Famine Early Warning System Network Ethiopia Food Security Update Jan 2006, http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-6LLQYA?OpenDocument

history, a female head of state was elected. President Ellen Johnson-Sirleaf, a Harvard-educated economist, has urged tens of thousands of Liberian refugees to return home.[33]

By the end of 2005 the political situation in Liberia was looking more positive with the disarmament of 101,000 combatants and the recognition that both Liberia and the international community of the significant role corruption played in perpetrating armed conflict. The Liberian government also took the step of establishing a Truth and Reconciliation Commission empowered to recommend prosecution of the most serious human rights offenders.[34]

In 2006 UNHCR expects that 101,000 refugees will return to Liberia from neighbouring countries. It is also anticipated that most of the 223,000 registered IDPs will have returned to their places of origin in 2006. UN agencies by September 2005 had already assisted 220,000 IDPs and over 39,000 refugees with food and non-food items, transport or a transport grant to return to their place of origin.[35]

On 30 January 2006 the largest convoy of refugees - since UNHCR's repatriation operation began in 2004 – returned to Liberia from Sierra Leone. Five hundred and sixty Liberians returned home after fleeing Liberia in 2000 to escape the brutal rule of Charles Taylor.[36]

Liberian refugees requiring urgent resettlement:

- **Liberians in Nigeria, Ghana and Sierra Leone who require legal and physical protection.[37]**

REPUBLIC OF CONGO

The Republic of Congo (RoC) is one of sub-Saharan Africa's main oil producers. Its first three decades of independence were relatively peaceful, albeit coup-ridden, however this

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[33] Human Rights Watch, World Report 2006, Essential Background: Overview of Human Rights Issues in Liberia
[34] Ibid
[35] UNHCR Global Appeal 2006, p 190
[36] UNHCR, 30 January 2006, Largest UNHCR Convoy since Liberian refugees began returning home, http://www.unhcr.ch/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=43de0f2a4
[37] UNHCR Regional Office for Australia, NZ, PNG and the South Pacific, 31 January 2006, Resettlement Needs and Priorities: Minister's Consultations on the 2006-2007 Migration and Humanitarian Programs, p 5

changed in 1993 when ethnic fighting erupted. This escalated into full-blown war in 1997 as rival warlords battled to gain control over the oil reserves.[38]

By the end of 1999, the rebels had lost all their key positions to the government forces, who were backed by Angolan troops. The rebels then agreed to a ceasefire accord. Remnants of the civil war militias, known as Ninjas, continued to fight government forces in the southern Pool region until a peace deal was signed in March 2003. [39]

Even with peace restored, the RoC continues to face many challenges, not least:

- High levels of ongoing internal displacement, especially in the Pool region in the south of the country. Here armed rebels have a stranglehold of some territory and frequently loot trains and rob civilians and humanitarian workers.[40]
- Scant improvements in socio-economic indicators with most of the population living in extreme poverty, facing high unemployment, poor health care and education and other social services;[41]

While the majority of refugees have returned to the RoC, resettlement is still required for specific groups including:

- **Victims of sexual and gender-based violence;**

SIERRA LEONE

With the conclusion of a decade of civil war in 2002 there were great expectations that the Sierra Leone government would halt the gross violations of human rights that had plagued the country.

However the international community and Sierra Leone civil society have increasingly recognised that the government has done very little to tackle the issues that precipitated the rise in conflict, not withstanding rampant corruption, weak rule of law and the uneven distribution of the country's vast natural resources.[42]

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[38] BBC News, 2006, Country Profile: Republic of Congo,
http://news.bbc.co.uk/2/hi/africa/country_profiles/1076794.stm
[39] Ibid
[40] UNHCR Global Appeal 2006, Republic of Congo, p95
[41] Ibid
[42] Human Rights Watch, World Report 2006, Essential Background: Overview of Human Rights Issues in Sierra Leone

One positive initiative was the formation of a UN-backed court for war crimes in 2002. The court is charged with bringing to justice those who bear greatest responsibility for war crimes committed since November 1996. These include war crimes, crimes against humanity, serious violations of international humanitarian law and violations of Sierra Leonean law.[43]

In December 2005 United Nations Mission in Sierra Leone (UNAMSIL) peacekeepers withdrew in preparation for the establishment of the United Nations Integrated Office in Sierra Leone (UNIOSIL). UNIOSIL will oversee elections in 2007.[44]

In July 2005, UNHCR concluded the repatriation of more than 270,000 Sierra Leonean refugees from neighbouring countries since the programme commenced in 2000.

UNHCR's main objective for 2006 is to promote and accelerate the sustainable voluntary repatriation of Liberian refugees in Sierra Leone. The agency hopes to facilitate the voluntary repatriation of 20,000 Liberians who include 2,500 living in urban areas. This will still leave over 30,000 urban and camp-based refugees countrywide in need of continued protection.[45]

Sierra Leone refugees requiring urgent resettlement include:

- **Refugees in Nigeria who require legal and physical protection[46]**

SUDAN
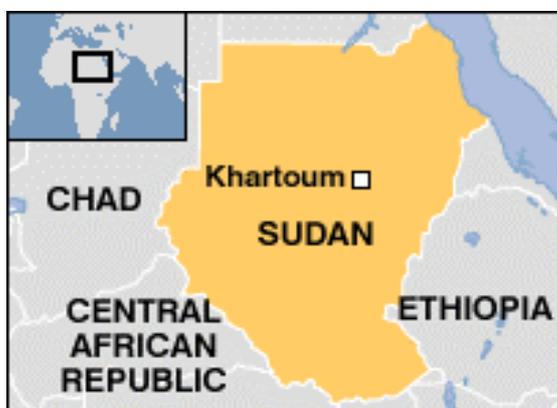
Sudan has rightly been the main focus of Australia's resettlement program since the early 2000s and needs to remain so, with the country's failure to receive any improvements in political stability or in the area of human rights.

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[43] Ibid
[44] UNHCR Global Appeal 2006, p 195
[45] Ibid
[46] UNHCR Regional Office for Australia, NZ, PNG and the South Pacific, 31 January 2006, Resettlement Needs and Priorities: Minister's Consultations on the 2006-2007 Migration and Humanitarian Programs, p 5

The Sudanese country information will focus on two separate regions in Sudan – the South and Darfur.

South Sudan

Since the January 9, 2005 Comprehensive Peace Agreement (CPU) signed between the Government of Sudan and the Southern Sudan People's
Liberation Movement (SPLM), the international community has been hopeful that greater stability will ensue. However on July 31 2005 SPLM Vice-President John Garang died in a helicopter accident, leading to three days of violent riots that left 130 people dead around the country. Following the riots the Central Sudanese government in August 2005 resumed the demolition and relocation of camps of IDPs that housed a million people on the outskirts of the capital, Khartoum. This resulted in the return of hundreds of thousands of Southern Sudanese to a region lacking basic infrastructure.[47]

On September 20 2005 a government of national unity was established by the ruling National Congress Party however observers expressed concern that the majority of government ministries were still controlled in Khartoum, contravening the power sharing agreement under the CPU.

Overall, it has been claimed by Human Rights Watch that Southern Sudanese enjoy relatively better human rights than other regions and that the Southern Government's early willingness to allow people to choose their representatives is a positive sign.[48]

Darfur

Throughout 2005 Darfur's humanitarian crisis continued to unfold with more killings, forced displacement and looting of civilians of the same ethnic background at the hands of Janjaweed or Government-backed militia.

In September and October 2005 there was an escalation of violence that included killing of three Nigerian peacekeepers from the African Union Mission in Sudan (AMIS) and two contractors. In December 2005 Human Rights Watch published a report containing a list of senior Sudanese officials including President Umar al-Bashir, which said the officials should be investigated for crimes against humanity in Darfur and placed on a UN sanctions list.[49]

Since the conflict in the Western Darfur region mushroomed in 2003, there have been approximately 180,000 lives lost due to the humanitarian crisis.[50] There are an estimated 4 million Darfur refugees in neighbouring countries and currently close to 2 million internally displaced.[51]

Sudanese women and girl refugees are in greatest need of protection with extreme levels of gender-based violence directed against women and girls by armed groups. Unmarried women tended to be the most vulnerable with many not seeking health care in clinics due to stigma and shame.

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[47] Human Rights Watch, World Report 2006, Essential Background: Overview of Human Rights Issues in Sudan
[48] Ibid
[49] Ibid
[50] BBC News, 2006, Q&A: Sudan's Darfur Crisis, http://news.bbc.co.uk/2/hi/africa/3496731.stm
[51] UNHCR Global Appeal 2006, p 122

Specific groups in need of resettlement include:

- **women at risk;**
- **survivors of violence and torture;**
- **those with specific legal or protection rights;**
- **politically active people including a number of Equatorians and members of non-Dinka groups;**
- **Sudanese outside the immediate region (eg in India, Lebanon, Syria and South Africa) with protection needs.**

SOMALIA

Clan warfare has dominated Somali's political landscape since 1991 when President Barre was overthrown. Somalia's population mostly speak Somali and are Sunni Muslim. However when the conflict erupted people became divided along clan lines and sometimes into sub clans. Clans built up their own militia and contested for access to land and resources from with other clans. The map below shows areas where the four major clans have traditionally dominated.[52]

Somalia's major clans

1 Hawiye
2 Darod
3 Rahanwein
4 Dir
(Based on CIA map - areas are approximate)
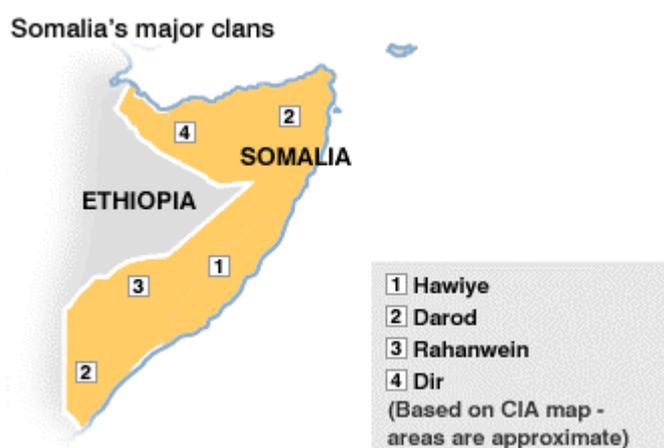
At the start of 2005 the Transitional Federal Government (TFG) headed by Prime Minister Ali Mohamed Gedi[53] was approved by Parliament and sworn in. The new government's task has been to prevent any recurrence of factional political violence and disband warlords' factions and militia. The 5-year transitional period of the government will result in multi-party elections and a permanent Constitution by 2010.

Somalia as one of the poorest countries in the world is also faced with a humanitarian crisis in many parts of the country. At the time of writing there were an estimated 2.1 million people (who include an estimated 380,000 internally displaced people) who faced acute food shortages in the North, Central and Southern Regions of the country.[54] This has been largely due to severe drought resulting in crop failure, considerable livestock deaths,

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[52] Human Rights Watch, World Report 2006 Somalia
[53] Amnesty International, March 2005, AI Index: AFR 52/001/2005
[54] ReliefWeb, Somalia: Food Security and Nutrition Monthly Brief 26 Jan 2006,
http://www.reliefweb.int/rw/rwb.nsf/db900SID/EKOI-6LF2CW?OpenDocument&rc=1&cc=som

rapidly increasing cereal prices, falling livestock prices, abnormal population movements and extreme shortages of, and access to, water and food.

Those in most need of protection are:

- ***female headed households***
- ***women at risk, including trafficked girls;***
- ***members of minority ethnic groups such as Bantu, Benadiri and Midgan;***
- ***members of the Tumal and Yibro occupational groups of metal-workers, leather-workers, hairdressers, herbalists and others and;***
- ***religious minority groups such as the Ashraf and Shikhal Muslims.***

Other groups from Africa who may require resettlement include:

- Togolese
- Rwandans
- Ugandans
- Mauritanians

SOUTH-WEST ASIA AND THE MIDDLE EAST

AFGHANISTAN

The ousting of the Taliban four years ago by U.S. forces has done little if anything to bring stability to a country ravaged by war since 1973 with the overthrow of King Zahir Shah. [55]

Now the country is experiencing increasingly violent insurgencies in southern and south - eastern regions, while in the remainder of the country, warlords further strengthen their presence by subverting the political process and controlling the country's opium drug trade.[56]

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[55] BBC News, 2006, Afghanistan's turbulent history, http://news.bbc.co.uk/2/hi/south_asia/1569826.stm
[56] Human Rights Watch, World Report 2006, Essential Background: Overview of Human Rights Issues in Afghanistan

Women and girls continue to suffer extreme discrimination: violence against women in the form of domestic violence, sexual violence and forced marriage still continues unabated.

In September 2005 Afghanistan's first parliamentary elections in over 30 years were held. However despite small improvements in the delivery of social services, Afghanistan still remains a country with some of the poorest basic social indicators that include high infant, child and maternal mortality rates and low literacy rates.[57]

Despite residual serious issues facing Afghanistan, the desire to return for the majority of refugees remains great and the UNHCR plans to facilitate the voluntary repatriation of around 600,000 refugees from Pakistan and the Islamic Republic of Iran during 2006.[58] There are some however, for whom repatriation is not a viable option.

Refugees in urgent need of resettlement include:

- **Afghan refugees registered by the Iranian government in the Amayesh II Camp. These refugees are at risk of forcible return as Iran is unwilling to extend any long-term local reintegration process.[59]**
- **Refugees who have suffered gender-based persecution and discrimination: precipitating more Women-at-Risk cases.**

IRAN

In 2005, Iran's human rights record deteriorated considerably, with the government routinely using torture and ill treatment of detainees.

Independent human rights defenders and lawyers suffered severe harassment in 2005 and were prevented from publicising and pursuing human rights abuses. In January 2005, Nobel Peace Prize winner Shirin Ebadi was summoned by the judiciary with no specific charges laid against her.[60]

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[57] UNHCR Global Appeal 2006, p 244

[58] Ibid p 246

[59] UNHCR Regional Office for Australia, NZ, PNG and the South Pacific, 31 January 2006, Resettlement Needs and Priorities: Minister's Consultations on the 2006-2007 Migration and Humanitarian Programs, p 10

[60] Human Rights Watch, World Report 2006, Essential Background: Overview of Human Rights Issues in Iran

In continued defiance of worldwide scrutiny, Iran resumed its uranium conversion process in 2005 and removed seals placed by the UN's nuclear watchdog at several research plants.[61]

Iran's ethnic and religious minorities are subject to severe persecution and discrimination. The Baha'i community are denied permission to practice in a public manner. A Kurdish activist, Shivan Qaderi was shot and killed by security forces in July 2005.[62]

Iran's policy of forcing all Afghan refugees to return to Afghanistan is cause for great concern. The Iranian government have recently introduced measures that have placed considerable economic pressure on these refugees. These include the introduction of a municipal tax on all Afghan refugees. UNHCR maintains that such a punitive tax contravenes Article 29 of the 1951 Refugee Convention that has been signed by the Iranian government. In addition, access to Afghan refugees in Iran has become increasingly difficult for UNHCR. [63]

The main focus for UNHCR's program in Iran has been assistance to Afghani and Iraqi returnees, specifically free transport with their belongings.

Iranian refugees requiring urgent resettlement include:

- **Persian Iranian refugees living in Jordan;**
- **Ethnic and religious minorities especially Baha'is and Mandaeans, and those who have chosen to convert from Islam to another religion;**
- **Political opponents and civil rights activists;**
- **Especially vulnerable cases with legal and/or protection needs.**

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[61] BBC News, 2006, Country profile: Iran,
http://news.bbc.co.uk/2/hi/middle_east/country_profiles/790877.stm
[62] Human Rights Watch, World Report 2006, Essential Background: Overview of Human Rights Issues in Iran
[63] UNHCR Global Appeal 2006, p 251

IRAQ

Iraq's political situation deteriorated considerably in 2005 with an upsurge in armed attacks by insurgent groups. Suicide bombings were rife, impacting significantly on the civilian population.

Transitional National Assembly UN assisted elections were held in January 2005 despite being hampered by political turmoil and extreme insecurity preventing many eligible voters from participating. Iraq's Transitional Government headed by Prime Minister Ibrahim al-Ja'fari was formed on April 28. [64]

In October 2005 a draft constitution was adopted by national referendum with similar security issues and difficulties reaching a consensus on the role of religion and federalism.

Parliamentary elections were held in December 2005 however at the time of writing, the Shia block set to lead Iraq's next government were still deadlocked as to who should become president.[65]

For Iraq's civilian population, basic human rights such as access to clean water and adequate medical facilities were still appallingly lacking throughout 2005 – two years since the US led invasion.

Up to February 2006, campaign group Iraq Body Count estimates between 28,403 and 32,013 civilians have died since the US-led invasion.[66]

Refugees in urgent need of protection include:

- **Members of ethnic and religious minorities;**
- **Those persecuted due to their imputed political allegiance with the US-led invasion;**

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[64] Human Rights Watch, World Report 2006, Essential Background: Overview of Human Rights Issues in Iraq

[65] BBC News, Feb 11 2006, Iraq Shias deadlock on PM Choice,
http://news.bbc.co.uk/2/hi/middle_east/4703322.stm

[66] Iraq Body Count, Feb 13 2006,
http://www.iraqbodycount.org/index.php?PHPSESSID=337f93e79c164539eba687651f81862c&submit3=Enter+Site

- **Refugees who have been involved or suspected to have been involved with drafting the new constitution;**

- **Former members and associates of the Ba'ath Party and the former regime (including medical personnel);**

- **Academics, professionals, journalists, artists, medical personnel;**

- **Single women of female heads of household;**

- **Victims of past persecution still in need of protection**.

Other groups from South West Asia and Middle East who may require resettlement include the following:

- Syrians
- Stateless Persons
- Tukish Kurds

ASIA

BURMA

Burma's authoritarian military government, the State Peace and Development Council (SPDC), continues to operate as a military junta that severely curtails human rights and basic freedoms.

Well-known pro-democracy leader Aung San Suu Kyi, who has suffered innumerable restrictions since the late 1980s, won a landslide victory in Burma's first multi-party elections in 1990. She has however been prevented from governing and has been detained since May 30, 2003. [67]

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[67] Human Rights Watch, World Report 2006, Essential Background: Overview of Human Rights Issues in Burma

SPDC's regime of persecuting ethnic minority groups, and democracy and human rights activists has precipitated the internal displacement of hundreds of thousands of people and the creation of more than two million refugees in neighbouring countries.

Burmese refugees in Thailand requiring immediate resettlement:

- **According to UNHCR, there are 140,000 Burmese refugees in Thailand, including those pending formal screening. [68]**

- **These refugees are granted temporary protection on a prima facie basis by the Thai government. There is no individual status determination process occurring. [69]**

- **The majority of refugees are seeking protection on grounds of persecution due to political opinion and differences of ethnic background. [70]**

CHINA

Although a signatory to the Refugee Convention since 1982, there remains an absence of any related domestic legislation or regulation for mainland China or the Hong Kong Special Administrative Region (SAR), a situation of continuing concern for UNHCR.

Identified as Persons of Concern to UNHCR, the situation for an estimated 60,000 to 100,000 North Korean asylum seekers in China's north east region is of growing concern, particularly as UNHCR continues to be denied access to this population. Considered to be illegal migrants by Chinese authorities, reports of frequent deportations totalling 5000 during 2005, have been an ongoing source of concern as those returned to North Korea almost universally face imprisonment, forced labour and sometime execution. Reports also indicated that Chinese authorities permitted North Korean security forces to enter China and forcibly remove refugees from the border regions. Many non-government

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[68] UNHCR Regional Office for Australia, NZ, PNG and the South Pacific, 31 January 2006, Resettlement Needs and Priorities: Minister's Consultations on the 2006-2007 Migration and Humanitarian Programs, p 13 & 14

[69] Ibid

[70] Ibid

organisations have continued to be denied access to the border areas and many have raised concerns about the trafficking of women and children refugees.

With high levels of self-reliance and local integration for some 295,000 Vietnamese refugees in Southern China, moves toward granting citizenship for this group will continue to be pursued by UNHCR in the coming year.

Continued repression of the Falun Gong spiritual movement by Chinese authorities has resulted in arbitrary detention, "re-education" and imprisonment for hundreds of practitioners. Up to 1000 Falun Gong practitioners have died as a result of torture or ill-treatment in detention since the movement was banned in 1999.

TIBET

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 the population continues to shift as a direct result of China's internal relocation policies. In July 2005, the Chinese authorities announced they would be choosing the next Dalai Lama and have placed the boy Panchen Lama (identified by the Dalai Lama, in exile in India since 1959) under virtual house arrest.

In January 2005, Nepal abruptly closed the Tibetan Refugee Welfare Office in Katmandu under pressure, it is believed, from the Chinese authorities. This had been the office at which many Tibetan refugees would wait until they received clearance from UNHCR to enter India and from which others with residency received assistance. At the time of its closure the Office was housing about 1,000 destitute Tibetan refugees and assisting another 20,000. Despite another Tibetan organisation meeting the government's requirements for re-opening the office, increased pressure from China has halted this process.

The provision of resettlement places for small numbers of Tibetans identified by the Tibetan administration in exile is supported.

Other groups from Asia who may require resettlement include the following:

- Cambodians
- Laotians
- Vietnamese
- Nepalese
- Sri Lankan
- Bangladeshi
- Pakistani
- Bhutanese

SOUTH AMERICA

COLOMBIA

Colombia continues to be ravaged by a 40 year long conflict that in the last decade has killed more than 35,000 people and displaced more than 3 million.

The violent conflict has involved guerrilla insurgencies, drug cartels and gross violations of human rights. UNHCR says the conflict is "characterised by armed confrontations between the Armed Forces and the guerrilla groups and frequent cease-fire violations by the paramilitaries." [71]

In March 2006 Congressional elections will be held and in May, Presidential elections.

Amnesty International is deeply concerned about the transparency of the 2006 elections and has reported that journalists, political candidates and voters have been under threat in the lead up to the elections.[72]

Unrelenting conflict has lead to the huge numbers of internally displaced people (IDP), and Colombia falls second behind Sudan in IDPs.

According to the Internal Displacement Monitoring Centre established by the Norwegian Refugee Council, "the number of people newly displaced is widely believed to be under-reported, due to fear of persecution and the fact that many are refused official registration, notably those forced to flee due to the fumigation of coca crops and those displaced within their cities."[73]

Particular Colombian refugees requiring resettlement:

- **Women at Risk cases in Costa Rica**

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[71] UNHCR Global Appeal 2006, Colombia, p 354

[72] Amnesty International, 9 February 2006, Colombia Reporting, Campaigning and Serving without Fear: The Rights of Journalists, Election Candidates and Elected Officials, AI Index: AMR 23/001/2006

[73] Internal Displacement Monitoring Centre, 2005, Government Response to IDPs Under Fire as conflict worsens, http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/CB6FF99A94F70AED802570A7004CEC41?opendocument&count=10000

- **Cases requiring legal and physical protection, women at risk, survivors of vilence and torture and children in Ecuador**

SECTION 5:
THE RESETTLEMENT AND SETTLEMENT PROCESS

5.1   Resettlement

DIMA QUESTION:
How can the Humanitarian Program best target those in greatest need of resettlement?

The issue of identifying refugees in greatest need of resettlement is difficult and complex. As previously noted the UNHCR has itself acknowledged that it lacks the capacity to identify the number of refugees in need of resettlement. The upgrading of the UNHCR resettlement section to a new resettlement service and the focus on resettlement as a durable solution will hopefully enable the UNHCR to be more proactive in terms of advocacy and more responsive to emerging needs. The increased use of the UNHCR and International Catholic Migration Commission (ICMC) deployment scheme is also a positive development.

While the UNHCR still advocates that vulnerability should be assessed in protection terms, the strategic use of resettlement as a durable solution to address protracted refugee situations is an area that could be usefully reconsidered by the Australian Government. The UNHCR has developed a system of group processing to address the issue of 'warehousing', where refugees remain in long term camps for extended periods of time with little chance of repatriation. In the last couple of years, Australia has assisted in resettling a small number of group referrals from the UNHCR. Group resettlement has clear benefits in terms of processing times and settlement planning, however the Council believes that while it is an important step in addressing protracted refugee situations it should not replace individual resettlement, which should remain the priority area.

The Council recommends that Australia continue to be open to UNHCR group referrals as a supplement to individual identification.

Warehousing - the Numbers

- Of the 12 million refugees worldwide, 7 million have been in camps for more than 10 years.

- There are 38 protracted refugee situations.

- The average duration of time spent in camps has increased from 9 years in 1993 to 17 years in 2003.

  Source: UN Committee for Refugees: World Refugee Report 2004

In light of the current situation with regard to 'warehousing', it should not be at all surprising that many refugees engage in 'secondary' or 'irregular' movement. When faced with few options and limited protection in the country of first asylum many will attempt the often difficult journey to a western country sometimes with the assistance of people smugglers. The Australian government has instigated policies that seek to deter refugees from 'secondary movement' by restricting resettlement options for refugees who engage in this practice. Such movements cannot be seen as unusual or unexpected because of the obvious need for many refugees to travel through several states before finding adequate protection. The Council therefore believes that it is important that the Australian Government reconsider with a view to resettlement of refugees who have moved outside of their region.

The Refugee Council recommends that Australia consider the resettlement of refugees, predominantly from Asia and the Middle East, who have moved from their countries of first asylum and who have strong protection and resettlement needs.

While the UNHCR is and should be the central referral agency for refugee resettlement, they have not always had the capacity to process and refer the number cases that resettlement countries have been prepared to take. It is therefore important that other mechanisms for the identification and processing of refugees for resettlement be explored, as was the case with ICMC and Liberian refugees in Guinea. When considering alternatives it is vital that they comply with the following conditions:

- That arrangements are only undertaken where the UNHCR has conceded that it does not have the capacity to prepare cases
- That the UNHCR selection criteria be used as set out in the Resettlement Handbook
- That only fully qualified staff are employed
- That sufficient provision is made for interpreters, ancillary staff and staff support
- That the caseload is specific and finite and there is a clearly identified resettlement need

Other ways to increase the level of identification include:

- the transfer of applications under the SHP to the Refugee Program when the applicant fulfils the criteria for resettlement and the proposer is unable to provide the necessary level of support

- developing strategic links with other resettlement countries, for example through cross-referral of cases and/or joint selection missions;

- the establishment of referral protocol between NGOs working with refugees and the overseas posts so that NGOs can refer cases of concern directly to posts.

- developing links, where feasible, to refugee community leaders in countries of first asylum and in Australia to assist in the identification of groups within the community who are isolated, ostracised, abused or otherwise in need of protection.

Further, it is important that careful attention be paid to developments in host countries and countries of origin so that the program can respond in a timely fashion to any major changes that may create significant protection issues, best met through resettlement.

Application Process

There has long been a concern that proposers were not always able to access non-fee charging migration agents, the assistance from whom, they required to lodge applications under the Special Humanitarian Program. In recent years this concern has grown as the number of non-fee paying migration agents has reduced and there are a greater number of new entrants with lower literacy skills and little familiarity with bureaucratic processes. Decisions about SHP entrants should be based on the needs of the prospective entrant and not on the capacity of the proposer to complete the forms correctly. It is therefore essential that prospective proposers have access to free assistance from migration agents.

The Refugee Council recommends that funding be made available either through IAAAS or a similar program, for community based non-fee charging migrations agents to provide assistance to proposers or potential proposers under the SHP

Another concern raised with regards to the application process was the requirement that humanitarian entrants must list immediate family members on their application form if they wish to propose them under the split family provision of the SHP. There are a number of reasons why applicants may not list their immediate family including:

- not being aware of the importance of filling this out correctly
- proposers filling out the section for them
- not listing family members who are missing or presumed to be dead

This can cause much distress when families are unable to be reunited because of an administrative error. Once again the need to prevent fraud must be balanced against the reality of the refugee experience and exceptions should be made on a case by case basis.

Interview Process

There were many concerns raised about the interview process for SHP applicants, from the lack of interpreters to intimidating interview styles. If the SHP is to target those most in need then it is important that applicants feel as comfortable and free to speak as is possible under the circumstances. Intimidating approaches by interviewers may result in those most in need not disclosing important information about their cases. In some cases greater measures, may need to be taken to ensure that applicants feel able to tell their story in the interview, including the use of female interpreters and interviewers or the presence of supports for minors. With the new onshore processing arrangements and the use of Australian DIMA workers in the interviews it is hoped that some of these concerns will be addressed.

Definition of Family

An issue that surfaces repeatedly in consultations about the humanitarian program is the question of what constitutes a family. Australian immigration law is predicated on a traditional Eurocentric notion of a "family": mother, father and children under 18 years of

age. Many of the current entrant groups, however, have very different cultural customs. This is especially true of the African entrants but is in no way limited to them.

In the cultures from which many refugees are coming, there is a general acceptance that certain other people are members of the nuclear family. While there are some differences from group to group, it is not uncommon for nuclear families to also include:

- any unmarried children, especially girls, irrespective of age
- widowed or divorced daughters
- children of dead siblings
- widowed parents
- a person who has shared the flight or exile experience and has been incorporated into the family

Western preoccupation with age and blood relationship is something unfathomable to many refugees who experience great anguish when this interpretation is applied and results in those they regard as family being rejected. This in turn will have a deleterious impact on the settlement prospects of the "nuclear family" and potentially place those forced to remain behind at risk.

The Refugee Council argues that there needs to be a reconsideration of what constitutes a family in the context of the humanitarian program. The notion of family composition should be rooted in an understanding of dependency, i.e. the family unit should be accepted as including any person who directly depends on another for his or her safety and economic and psychological well-being. This means that dependent members of the family unit might include people who are not blood relatives, including foster children, who risk becoming unaccompanied minors if excluded from the family unit during the resettlement process. Demonstrated dependency, in either the country of asylum or the country of origin, should be the governing principle in determining the eligibility for inclusion in resettlement cases, as stated in the UNHCR Resettlement Handbook.

Concerns were also raised in the consultations about the highly challenging situation of polygamous marriages and families. While not necessarily suggesting their inclusion in Australia's program, consideration does need to be given to some of the complexities that arise from these situations especially in the context of children and dependency.

The Refugee Council recommends:

- *that culturally responsive guidelines on family composition be developed, following consultation with relevant communities and with people with expertise in international child protection issues*

- *that the definition of family under the SHP be revised so as to be consistent with other family reunion visa subclasses*

There is also the unique situation that has been created due to the use of Temporary Protection Visas (TPVs) and Temporary Humanitarian Visa (THVs). There are a small number of cases of unaccompanied minors who reached majority prior to receiving permanent protection. Because they have turned 18 they are no longer able to sponsor their parents. A slightly larger number of former TPV holders have had the reverse occur, where after years of separation from their children they are now no longer able to reunite because their children overseas have reached majority while they have been in Australia on a TPV/THV. This unfortunate consequence is likely to continue occurring while the

TPV/THV regime exists and in many cases has deleterious effects on the settlement process

The Refugee Council recommends that an exception is made to the split family provision of the SHP to allow:

- ***former TPV/THV holders to sponsor children who reached majority during the course of their temporary visa***

- ***unaccompanied minors who reached majority while on a TPV/THV to enable them to sponsor their parents***

Family Reunion
While the use of the split family provisions has become more prevalent as advice has spread about faster processing times, there are still people arriving on family stream visas. Applications for family stream visas incur greater costs and have reduced entitlements and limited settlement support. It is concerning that some humanitarian entrants are opting for this in the hope that it will mean they will be reunited with family sooner. This creates a disparity between those who have arrived under 'split family' and those arriving on a family stream visa. Acknowledging the significant strains on the family unit that the refugee experience can cause, it is also of great concern that if the relationship breaks down and the spouse is on a spouse visa, then they may be at risk of being removed.

The Refugee Council recommends that family members of humanitarian entrants that enter Australia through the family category, but would have at the time of entry met the requirements under the split family provision of the SHP, be eligible for the same entitlements and subject to the same conditions as families who enters the country under the split family provision.

DNA and Bone Density Testing
To some extent the removal of the costs for pre-departure medical tests has been overshadowed by the increased use of DNA testing and Bone Density testing, both of which carry prohibitive costs. While there are questions around the validity of bone density testing as a means of determining the age of children, DNA testing continues to have value in some cases. However, DNA testing is not without its own problems. There is potential for DNA testing to have unintended consequences which may cause undue stress on applicants. DNA testing can reveal the presence of children who have been born as a result of rape – a matter which the woman may not have disclosed to her husband for cultural reasons. It is vitally important that issues of uncertain paternity are treated with the utmost sensitivity so as not to expose women or children to violence and/or ostracism.

The Refugee Council recommends

- ***that DNA testing for SHP entrants only be used in exceptional cases and that the costs be covered under the medical assessment***

DIMA QUESTION
What information should be included in pre-embarkation information and cultural orientation classes to ensure that humanitarian entrants have realistic expectations of life in Australia?

The Refugee Council continues to acknowledge and commend the implementation of the pre-embarkation

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information and cultural orientation program. In 2004 RCOA conducted an evaluation of the pre-embarkation cultural orientation (see Appendix 1) and rather than reiterate the recommendations from that report here instead the focus will be on the outcomes of the community consultations. In the consultations most issues raised regarding the AUSCO classes were not specifically about content, of which many service providers were unfamiliar. This is of concern because service providers need to be well informed about the content of the orientation in order to provide consistency in responses to new entrants. Most of the concerns raised by service providers were around application and onshore follow up. However some consultation participants had actually experienced the program and noted some concerns relating to inadequate information regarding health, nutrition, housing and education issues to be faced in Australia. It is acknowledged that providing information about housing for instance, when the settlement area may vary between tropical North Queensland and southern Tasmania, can be difficult. Also difficult in such a short time would be to assist illiterate rural people to understand the very different lifestyles they will be expected to lead in a high density urban area.

The Refugee Council recommends that a process is established to ensure that the refugee and settlement sector be fully informed and regularly consulted about the content of pre-embarkation orientation and information

There was overwhelming consensus around the need for post-arrival intensive orientation that had direct links with AUSCO so that humanitarian entrants received consistent and reinforcing messages. There is obviously a limit to how much and what can be absorbed prior to departure and this is compounded by issues of trauma. Integrating pre and post embarkation orientation would help to reduce confusion and provide practical training to make sense of some of the theoretical information provided pre-departure. Ensuring that the format and the terminology used in both orientations is similar will also help to increase comprehension.

There also needs to be a formal mechanism whereby onshore feedback can inform the pre-departure program so that it continues to adapt to changing needs. For example there is a growing concern in the community about the level of family breakdown amongst newly arrived humanitarian entrants and there is a strong suggestion that AUSCO, being a one size fits all product, is not paying enough attention to power relations within the family and may be exacerbating tensions by undermining traditional power structures at a time when they are at their most fragile. The resettlement process places a great deal of strain on family relations and there needs to be a delicate balancing of rights and responsibilities and a great deal of support through the process. A stronger link between pre and post orientation may assist to build some of these bridges and ensure that issues that arise are being dealt with in a coordinated fashion.

The Refugee Council recommends that an integrated post-arrival program be established in addition to the existing IHSS

The AUSCO is delivered by the International Organisation for Migration (IOM) in a number of countries of first asylum. While available to all humanitarian entrants, the orientation is not compulsory and a large number of entrants seem to be arriving without having attended the classes, this is most notable amongst Special Humanitarian Entrants. While a number of reasons were cited for not having attended the classes the most predominant was access, either from geographical difficulties in travelling to the classes or from the associated costs of travelling and accommodation especially when the classes were held in major cities. Reports were also made of entrants who attended the classes but were unable to understand what was going on due to lack of interpreters or the quality of interpreting.

The Refugee Council recommends that the Australian Cultural Orientation Program be made as accessible as possible to maximise the number of humanitarian entrants completing the classes.

Another issue raised was the need for AUSCO to be tailored to different case loads and to ensure that relevant information was delivered to all family members. In this respect the Refugee Council commends the government on piloting a program aimed at 8-12 year olds in Thailand. It would be particularly useful if all the programs had a measure of flexibility so that they could adapt to particular caseloads. An example would be the cultural orientation provided by ICMC in Guinea which addressed a range of security and safety issues that were of specific concern to the Woman at Risk visa holders attending the classes.

The Refugee Council recommends that the pre-embarkation orientation and training programs be tailored to the needs of specific caseloads

There were general concerns regarding what were seen as unrealistic expectations or pre-conceptions by new entrants. This was particularly apparent in the areas of housing and furnishings and employment. Humanitarian entrants spoke of being shown films of brick houses with all new appliances. Many entrants were concerned and disappointed with the housing that they were initially allocated. Some of this can be addressed by showing a range of different housing environments that reflect the diversity across Australia. Employment was another area where expectations were high and this tied in strongly to pre-conceptions around standard of living. The idea of using previous humanitarian entrants in some capacity within the orientation was seen as highly desirable and key to giving a more balanced picture of life in Australia as a refugee. This could involve using refugees at different stages of the settlement process in the video presentations or employing people from refugee backgrounds to actually deliver part of the cultural orientation program. The latter would also respond to some of the concerns about the classes being conducted by trainers who had never even set foot in Australia.

The Refugee Council recommends that consideration be given to the role that already settled refugees may be able to play in the pre-embarkation orientation and information both in Australia and overseas.

5.2 Settlement

DIMA QUESTION
Have recent enhancements to the Integrated Humanitarian Settlement Strategy (IHSS) improved the abilities of proposers to provide assistance to Special Humanitarian Program entrants?

Undoubtedly the investment of $2.5 million into a travel loan scheme to be delivered by IOM and shifting the cost of medical assessments for SHP entrants back on to the government removes a significant financial burden that had previously be borne by proposers. However support for proposers continues to be a major concern for the sector. There was lack of clarity over what exactly the new enhancements to the IHSS were and whether there was in fact any improvement on the "enhancements" that had been introduced in September 2004. A lack of or inadequate communication between IHSS providers and the rest of the sector in some states added to the confusion leaving many members of the sector unclear about what was being provided to proposers under the new IHSS tender arrangements and being unclear about how to refer clients to these new services.

In Victoria the "enhancements" were actually a backwards step with SHP entrants and proposers being eligible for less under the new IHSS than previously. Prior to September 2005, entrants and proposers had been eligible for:

- Food vouchers
- Petrol vouchers (proposers)
- 1 month free rent
- Group information sessions

The Refugee Council recommends that the government reconsider their current package of 'enhanced supports' for proposers in light of the successful package trialled in Victoria.

Other concerns with proposer support were:

- lack of community migration agents to provide assistance with the SHP applications

- costs associated with the increased usage of DNA testing and bone-density testing which is not covered in the medical assessments, this is particularly an issue in Africa

- problems finding the deposit for IOM loans, especially if the airfares are for a large family. Also in some communities there is a lack of trust in IOM due to their experiences overseas.

- discrepancies between providers and states especially in relation to the provision of household formation support. It seems some providers are supplying new appliances and others second hand. This is both an equity issue as well as a financial concern, if those who are supplied second hand goods have to re-purchase appliances 12 months down the track.

- that some high needs SHP entrants require intensive casework assistance through IHSS in addition to the assistance of the proposer

The Refugee Council recommends that all SHP entrants be assessed and where appropriate be eligible for the full IHSS service

THE NEW IHSS TENDER

The Refugee Council is deeply concerned by the damage in the sector resulting from the implementation of the recent IHSS competitive tendering process. Deep divisions have developed in the settlement sectors in most states undermining the ability of workers to provide the coordinated approach needed for effective settlement. The nature of the settlement process is such that no single agency can provide effective services in isolation from the rest of the sector. While there is certainly an expectation from outside the sector that there will be some initial teething problems with the new tenderers, the concerns raised in the consultations some 3-4 months after the new IHSS program has begun, clearly indicate that there is much to be learned and much more work to be done to resolve issues affecting the settlement experience. The Council is first and foremost concerned with the impact that this may be having on humanitarian entrants. If Australia is to maintain its reputation for world class settlement services these issues need to be addressed

expediently. The Refugee Council trusts that DIMA will ensure that the new services are operating in an open and transparent way and clear accountability measures will be put in place and demonstrated in order to regain the trust and support of the rest of the refugee and resettlement sectors.

Issues raised in the consultations that are of particular concern to the Council include:

- The lack of handover or transition between contracts

- Reduced IHSS services provided to entrants who arrived immediately prior or during the transition

- Lack of communication between the new IHSS providers and the settlement and mainstream service sectors resulting in confusion and uncertainty about the services refugees are receiving or can expect.

- Lack of referrals by the new IHSS providers to other services resulting in the loss of networks and contacts. For example, a service which had previously given interest-free loans to proposers to cover the deposit for IOM loans had not received any referrals from the new providers.

- Pressures on other settlement providers to respond to clients who are not receiving the service they need from the IHSS provider. Several examples of this were raised with reference to health concerns, where newly arrived refugees were presenting to settlement services with basic health needs having not been linked into medical services by the IHSS provider or where they had been linked into local GPs who had little experience dealing with the health problems of refugees from Africa.

- The reliance on the private rental sector as the primary accommodation option for on arrival housing. This raised concerns and questions regarding isolation and initial support, debt, use of state based bond assistance schemes, appropriateness of housing, head leasing and transfers and; tenancy rights. Examples were also cited of refugees being exploited by real estate agents into paying extra costs and there was concern that IHSS providers who are reliant on real estate agents for housing would not necessarily be the best advocates.

- The level of support received through case-management, including the role of 'community guides' and sub-contracted services especially in the first few days in the country.

- Lack of flexibility in the new service that prevents it from being responsive, one size fits all approach.

- The exclusion of migration advice from the IHSS program when family reunion is such an integral part of the settlement process

The Refugee Council recommends:

- ***that DIMA take a proactive approach to addressing the above concerns and establishes a transparent process for ongoing quality management, review and evaluation of service provision under the new IHSS.***

- ***that DIMA ensure that there is consistent service provision across states.***

- *that IHSS services have the flexibility to tailor service delivery to the specific needs of different caseloads and entrant groups (for example Woman at Risk entrants) and that monitoring is put in place to ensure that high need entrants are receiving the settlement support that they require.*

DIMA QUESTION **What settlement services are available for humanitarian entrants once they exit the IHSS?**

Before looking at settlement services for humanitarian entrants who have exited the IHSS it is important to stress that the timeframe of 6 months for intensive casework is considered totally inadequate, especially for the high needs caseloads that are currently arriving. The feedback received through the consultation process was highly supportive of the refugee program continuing to target those in greatest need of protection despite the associated challenges in providing settlement support. However, adequate resources need to be channelled into the settlement sector to ensure that the services being provided are able to match the needs of all the new entrants. It was agreed across all consultations that the support timeframe needs to be flexible to ensure effective settlement for high needs entrants.

The Refugee Council recommends that DIMA reconsider the 6 month timeframe for intensive settlement support in recognition of the high needs of the current caseload

Transition from IHSS to Settlement Services

Acknowledging that most refugees will need extra settlement support after they exit the IHSS it is vital to ensure that there is a smooth transition from IHSS to other settlement services. Referral protocols need to be established between services to ensure that clients do not fall through the gaps. In some cases there may need to be a more formal process which may involve the IHSS provider referring clients to another settlement service provider and ensuring that the second provider is aware of any outstanding issues or concerns the client may have. A site visit to a local settlement service provider during the course of the IHSS may be useful.

Concerns were raised that some IHSS providers were making assessments about whether clients needed ongoing settlement support in their exit interview and based on this assessment deciding whether or not to provide the client with information about further settlement services. Participants at the consultations agreed that this is totally inappropriate and all exiting IHSS clients should, at the very least, be given clear information about local settlement service providers.

Other needs identified post IHSS include:

- Lack of community migration agents to provide new arrivals with application assistance under the SHP. As previously mentioned family reunion is integral to the settlement process and the financial burden of supporting family left behind while applications are pending can produce excessive hardship for proposers.

- Targeted employment services that specifically address the difficulties that refugees face when trying to access employment opportunities. The *Given the*

Chance mentoring project at the Ecumenical Migration Centre in Melbourne is an excellent example of a successful employment program targeting specifically refugees. The ARA Employment program in Adelaide is also another excellent example, however funding for such projects is currently piecemeal and needs to be fully supported federally.

- Centrelink, the Dept of Employment and Workplace Relations in general and Job Network in particular, would benefit from engaging with the reality of circumstances and conditions for humanitarian program entrants. Their needs are quite different to those of other jobseekers primarily because they have no history of work or education in Australia. The report on the Humanitarian Pilot Program conducted by Job Network some years ago is still to be released.

- The lack of availability of interpreters in certain languages is a major impediment to refugees accessing mainstream services. Preparation for the arrival of new language groups should include ensuring that sufficient accredited interpreters are appointed and available. In cases where there has been little previous migration by certain language groups there may need to be procedures to ensure that interpreters can be accessed. The use of international interpreting services could be an option in exceptional cases.

- There is an increasing need for family support services to address and alleviate the pressures that the resettlement process places on families. The Refugee Council welcomes the increase in funds being made available through the Department of Family and Community Services for this purpose and trusts that there will be recognition that there will be an ongoing need in this area.

- Need for a stronger focus on children and young people with increased funding to assist the transition into the school system.

Refugee Council recommends:

- ***that IHSS providers establish referral protocols with local settlement service providers***

- ***that resources be targeted at specialist employment services that can address the specific needs of refugees***

- ***that Job Network be required to recognise the special circumstances of humanitarian program entrants and tailor services accordingly***

- ***that more preparation is made to ensure that new arrivals have access to appropriate interpreter services***

- ***that more funding and resources are targeted at ensuring a smooth pathway into the schooling system for refugee children and young people***

DIMA QUESTION
What groundwork is required to prepare for and support the establishment of humanitarian settlement in new regional locations?

As a significant section of the 2004 intake submission was dedicated to this issue (see Appendix 2), the following section will focus primarily on issues arising from this

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year's consultation process. Many concerns centred on the need to ensure that regional areas had the necessary social infrastructure to enable the community to respond effectively and compassionately to settlement needs. Well located and affordable housing and long term sustainable employment opportunities were two of the most significant pre-requisites in choosing regional and rural areas for direct settlement of offshore refugees. Also noted were reachable and affordable health services.

The Refugee Council recommends that DIMA refer to the section on rural and regional resettlement in RCOA's 2004 intake submission

One issue of concern was that differences between visas and associated entitlements become much more obvious and pronounced in regional/rural areas where the communities are smaller. There needs to be a conscious effort to manage some of the tensions that may arise between different waves of migrants and refugees, especially where there are significant numbers of TPV or former TPV holders who have received extremely limited assistance from the government.

Another issue raised in the consultations was the need for regional/rural communities to have plenty of advance notice when new entrants were arriving. While preparation time is important in metropolitan areas as well, it is particularly vital in rural areas where ensuring that appropriate interpreters are available or securing appropriate housing may take a bit longer. Rural/Regional areas require specific information about new arrivals, like country of origin, language, total numbers, family size and composition, as well as some background cultural information about country of origin, and conditions in the country of first asylum, that will enable them to prepare not only for the practicalities but also will ensure that the local community has an understanding of the new entrants. This is especially important when a new entrant group that has not previously settled in a particular the community start arriving.

The Refugee Council recommends that DIMA ensure that settlement and other services in rural and regional areas have key information about arrivals well in advance so that preparations can be made to ensure that the specific needs of entrants are able to be met.

DIMA QUESTION **What measures are in place to improve health outcomes onshore for newly-arrived refugee and Special Humanitarian Program (SHP) entrants, particularly those from Africa?**

There is a growing concerns in the sector about the capacity of the new IHSS arrangements to address the health needs of newly arrived humanitarian entrants. To begin with there needs to be better coordination between pre-departure health assessments and on arrival health checks. As case workers are not medical professionals, clear protocols should be in place to cope with any particular needs, immediate or future, that an entrant may have. Information about the nature of any medical conditions should be provided to the IHSS providers in advance and a triage system established. Only experienced case workers who are fully aware of the protocols and are able to make decisions about the well being of entrants when they first arrive, should meet new entrants at the airport.

Consultation participants reported numerous cases of new entrants not receiving any post-arrival heath assessment. However there were some positive comments made about the quality and good timing of pre-embarkation health checks. As many new humanitarian entrants have come from situations where their health concerns may not have been fully

addressed for many years, health needs to be a primary concern for the IHSS providers. Health assessments should be compulsory for all new arrivals for the following reasons:

- there have been a number of cases of entrants arriving with serious diseases that were not identified in the pre-departure health assessment
- some diseases, like malaria or HIV, may not be initially apparent
- there may be a number of lesser health concerns not identified pre-departure, that still need to be addressed Coming from areas where medical assistance is scarce, refugees may not seek medical assistance themselves unless they think the concern is serious

Other areas of concern raised in the consultation include:

- The need for more interpreters within the hospital system and the broader health system more generally. There needs to be a greater willingness on behalf of GPs to use interpreters

- The number of new arrivals presenting at other settlement services with medical concerns that have not been addressed through the IHSS

- The cost of specialist services and the lack of bulk-billing GPs, especially considering humanitarian entrants may arrive with a number of unmet health needs

- The need for information and training sessions for GPs around refugee health

- The need to ensure that new IHSS providers are fully aware of all the networks and referral agreements previously established with medical providers

- The need to include sexual and reproductive health in post-arrival orientation and possibly in pre-embarkation together with general information about routine medical procedures such as the taking of blood for diagnostic purposes.

- The need to include preventative health issues in pre embarkation and post arrival orientation

- The need for stronger federal support for specialist refugee health services and better coordination of health services across all strands of government – federal, state and local.

- The need for a tailored health response for different refugee groups, in particular those arriving on a Woman at Risk visa

- The need for resources to address mental and emotional health issues not manifest until later in the settlement process, not necessarily in the first 6 months

The Refugee Council recommends:

- ***that protocols are put in place to ensure that medical concerns identified pre-departure are dealt with in an appropriate manner at the time of arrival***

- *that medical assessments are completed in the first week of arrival to ensure that any health concerns not identified in the pre-departure assessment can be immediately addressed*

- *that consideration be given to the issue of humanitarian entrants accessing specialist medical care that is not covered under Medicare*

- *that health issues are a significant component of any post embarkation orientation*

- *that funding be made available to ensure the viability of specialist medical clinics that address the specific needs of refugees*

SECTION 6:
LIST OF CONTRIBUTING AGENCIES AND GROUPS[74]

ACCESS Services Inc.
Adult Multicultural Education Service (NSW)
Anglicare Australia
Anglicare Refugees and Migrant Services
Armidale Sanctuary, Humanitarian Settlement Inc.
Auburn Migrant Resource Centre
Auburn North Public School
Australian Centre for Languages
Australian Red Cross
Australian Refugee Association
Barnardos Australia
Baulkham Hills Holroyd Parramatta MRC
Benarrawa Community Development Association
Blacktown Migrant Resource Centre
Brisbane Catholic Education
Brisbane City Council
Centacare Newcastle
Centre for Multicultural Youth Issues (CMYI)
Children, Youth and Family Services – Refugee Program
Community Refugee Support Group
Cutting Edge – Uniting Care Shepparton
CYFS Refugee Program
Department of Education and Training (NSW)
Department of Housing (NSW)
Drummond Street Relationship Centre
Ecumenical Migration Centre (EMC)
Education Centre Against Violence
Ethnic Communities Council of Newcastle and Illawarra
Ethnic Communities Council of Queensland
Ethnic Communities Council of Shepparton
Fairfield Migrant Resource Centre
Goulburn Murray LLEN
Granville Multicultural Community Centre
GVP Islander Community (Shepparton)
H.E.L.P (Sudanese Community)
Illawarra Migrant Resource Centre
Illawarra Multicultural Services
Immigrant Women's Speakout Association of NSW
Islamic Women's Association of Brisbane
Liberian Association Queensland
Logan City Council
Lutheran Community Care SA

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[74] Representatives from the following agencies or associations either participated in RCOA consultations or conveyed their views to RCOA verbally or in writing. In many instances, multiple representatives attended consultations in one or more locations.

Maribyrnong City Council
Melbourne Catholic Migrant and Refugee Office
Mercy Refugee Service
Migrant Resource Centre of Newcastle
Migrant Settlement Committee (Eastern Region)
Milpera State High School
Multicultural Affairs Queensland
Multicultural Development Association
Multilink Community Services Inc.
Newcastle Migrant Resource Centre
Northern Migrant Resource Centre
Queensland Council of Social Services
Queensland Division of the Australian Democrats
Queensland Health
Queensland Program of Assistance to Survivors of Torture and Trauma
Queensland Transcultural Mental Health Centre
Refugee and Asylum Seeker Health Network (RASHN)
Refugee Health Service (Sydney)
Romero Centre
Rwandan Association
Salvation Army
Sanctuary Refugee Foundation
Serbian Welfare Association of Victoria
Service for the Treatment and Rehabilitation of Torture and Trauma Survivors
Sierra Unite
Society of St Vincent de Paul
SOE Diversity Health Auburn Hospital
South East Region Migrant Resource Centre
Tenants Union of Victoria
TERS Group
Victorian Foundation for Survivors of Torture (VFST)
Vietnamese Community in Australia
Whittlesea Community Connections
Wollongong TAFE

Representatives from the following communities:

Maltese
Italian
Sudanese
Sierra Leonean
Sri Lankan
Liberian
Burmese

APPENDIX 1:
RECOMMENDATIONS FROM EVALUATION OF PRE-
EMBARKATION CULTURAL ORIENTATION PROGRAM - Final
Report to DIMIA (1/6/04)
<mark>**[CONFIDENTIAL DOCUMENT – NOT FOR PUBLIC RELEASE]**</mark>

APPENDIX 2:
EXERT FROM RCOA INTAKE SUBMISSION 2004 – RURAL AND REGIONAL SETTLEMENT

6.1.   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 is 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 principles, 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.