



Refugee Council
of Australia

Australia's Refugee and Humanitarian Program

**Community views on current
challenges and future directions**

February 2008

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1. INTRODUCTION

The Refugee Council of Australia (RCOA) is pleased to present its submission to the Australian Government on the 2008-09 Refugee and Humanitarian Program. This year's submission incorporates the views of the more than 200 organisations and individuals who participated in face-to-face, teleconference and e-mail consultations facilitated by RCOA across 40 locations in eight States and Territories, thus representing the most extensive consultation process ever undertaken by the Council.

While this report has been an annual feature of RCOA's contribution to policy discussions coordinated by the Department of Immigration on the direction of refugee and humanitarian migrant resettlement in Australia, this year it is evident that RCOA's contribution is made within a changing international and domestic political environment.

Internationally, the world's primary refugee protection agency, the United Nations High Commission for Refugees (UNHCR), is undergoing internal review processes that will see it direct more resources and devolve greater responsibility to its regional hubs, including one to be established in Bangkok. UNHCR is also envisaging a dramatic increase in the numbers of refugees it will be referring for resettlement, a welcome development given the continuing deterioration of security in Iraq, parts of Africa and in Asian countries including Burma and Sri Lanka. The past year has seen existing protracted displacement situations become further entrenched and further displacement occurring. The need to expand the protection space for refugees and asylum seekers is also becoming more urgent as states become preoccupied with preventing terrorism, human trafficking, slavery and unauthorised migration.

On the domestic front, the election of a new Federal Government at the end of 2007 provides fresh opportunities for an assessment of prevailing resettlement policy priorities and approaches to settlement services. In particular, the past 10 years saw a range of initiatives developed that attempted to reconfigure Australia's participation in the international protection regime; adapt competition policy to the settlement services sector; improve the coherence of service delivery; respond to the changing needs of emerging refugee communities; and address the many shortcomings of settlement programs identified by refugees and settlement workers. While some of these changes have represented welcome improvements, others have been implemented in the face of community apprehension about their ongoing utility and capacity to deliver sound settlement outcomes.

In acknowledging these shifting tides, RCOA has consciously adopted an approach to its submission that is markedly different from that of previous years. Most notably, rather than focusing solely on the current criticisms of the resettlement program, many of which are echoes of recommendations in earlier submissions, the Council has chosen to locate its discussion of present settlement needs and services within an historical context. It is hoped that an exploration of the roots of current policies and services will shed some light not only on the reasons for the persistence of some concerns, but also the elements of policies that have stood the test of time and proven to be vital aspects of good settlement policy. These sections also underline the value of the numerous reports, submissions and scholarship produced over the past 30 years as an aid for the development of evidence-based refugee policy.

Instead of providing a broad overview of the range of issues associated with resettlement, which, again, are often mirrored in earlier submissions, this year the Council has chosen to examine in greater detail two of the major issues that have featured prominently in almost every contemporary discussion about the challenges confronting all refugees and humanitarian entrants: access to affordable, stable, reasonable-quality housing; and obtaining occupationally-matched, adequately remunerated, non-exploitative employment. Not only are these serious issues in and of themselves, but problems regarding housing and employment impact on each other, as well as being inextricably linked with other settlement considerations, such as English language training, addressing health problems and dealing with domestic violence. The focus on these two policy

areas should therefore not be read as an indication that the Council does not consider other settlement issues to be equally important. Rather, the aim of this year's report is to attempt to engage in a nuanced examination of two complex concerns that can help both inform the development of concrete initiatives and promote the support of existing successful grassroots programs.

This year's submission also sees the inclusion of more detailed country profiles. In the past, the Council's brief discussion of a plethora of country situations was designed to flag the range of situations that were giving rise to significant flows of displaced and persecuted people who should be considered for resettlement in Australia. This year we have chosen to focus on the three countries that are the centre of perhaps the greatest refugee crises the world has had to contend with in recent times, affecting millions of people over a number of years, namely the ongoing conflicts in Sudan, the persecution of minority groups in Burma under the military junta, and the conflict in Iraq. In addition to outlining the bases of mass displacement and the range of groups who are affected, these country profiles also explore the particular needs of these communities upon their resettlement in Australia and the creative ways in which they have responded to adjusting to life in a new country.

RCOA welcomes the opportunity to take part in the ongoing dialogue between the settlement services sector, refugees, non-government organisations, DIAC, other government agencies and the Minister for Immigration and Citizenship about the ways in which Australia can maintain its reputation as a world leader in settlement service delivery and the promotion of international protection. It is hoped that this submission will be considered a useful contribution to that dialogue.

The RCOA staff involved in compiling this submission, Annette McKail, Anna Samson and Paul Power, would like to thank settlement service workers, representatives of community organisations and members of the general public for participating in our consultations and talking frankly about their experiences of working at the coalface and the practical impacts of policies within the resettlement program. We would also like to express our sincere gratitude to refugees and humanitarian migrants now living in Australia for their generosity and willingness to share their views about and experiences of the realities of resettlement.

RCOA acknowledges the contributions of James Thomson of the National Council of Churches in Australia for his input to the section on Australia's approaches to international protection; Vince Scappatura for research assistance on employment and housing issues and on the country profiles of Iraq and Burma; Lizzie Simpson on the country profile of Sudan and Iraq; Agnes Artemi, Michelle Carr, Natalie Gooch and Eileen Wahab on the country profile of Iraq; and all RCOA Board members, especially John Gibson, Kevin Liston, Paris Aristotle, Barbara Young, Maureen Adamson, Elizabeth Biok and Esta Paschalidis-Chilas, for advice on the framing of recommendations and for assistance with reviewing sections of the submission.

Finally, RCOA acknowledges the financial contribution of the Department of Immigration and Citizenship to facilitating the Council's consultation processes.

2. AUSTRALIA'S ROLE IN INTERNATIONAL PROTECTION

2.1 The global refugee crisis

As Australia considers plans for the 2008-09 Refugee and Humanitarian Program, the case for a strong program, focused on the protection of those most in need, is as compelling as ever. A review of the current global situation for refugees and displaced people shows three serious and growing trends:

- **Protracted refugee situations worsening:** The number of refugees with little hope of a durable solution is growing. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that there are more than 5.5 million refugees under its mandate in what it classifies as “protracted refugee situations” (populations of 25,000 refugees displaced for five years or more). The average length of displacement has grown from nine years in the early 1990s to 17 years a decade later. In addition, under the mandate of the UN Relief and Works Agency (UNRWA), there are 3.8 million Palestinians in protracted refugee situations.¹
- **Greater restrictions on access to asylum:** Across the world, a growing number of governments have introduced tighter “border security” measures which restrict opportunities for people to access asylum. This trend has been most marked in Europe, where many nations, despite being signatories to the 1951 *Convention relating to the Status of Refugees* and its 1967 *Protocol*, have introduced policies which seek to limit their responsibilities to people seeking to escape persecution, mirroring the worst aspects of recent Australian policy. Consequently, millions of refugees are being left stranded elsewhere with little protection and no long-term solution.
- **Human rights abuses continue to exacerbate displacement:** Not included among the 9.3 million people² in protracted refugee situations are refugees recently displaced by conflicts and human rights abuses in many nations. Without serious international action, many of these people may also face protracted displacement. Three of the most serious current crises are in Iraq (with 2 million refugees and 2.2 million internally displaced persons (IDPs) in the past four years), in the Darfur region of Sudan (where 1.7 million people have been displaced, most within Sudan) and in Burma (where continuing human rights abuses have exacerbated more than four decades of displacement). The situation in these countries is outlined in more detail in Section 9 of this submission.

2.2 Building international support for resettlement

Currently, resettlement is offered to less than 1% of the world's refugees but the global trends outlined above highlight the pressing need for resettlement to be developed further as a durable solution. Even with a growing number of nations offering resettlement places, the total number of resettlement places available each year is around or less than 100,000.

Anticipated number of refugee resettlement places, 2007³

United States	60,000-70,000	Netherlands	500
Australia	11,500-13,000	United Kingdom	500
Canada	10,300-11,500	Brazil	280
Sweden	1900	Chile	200
Norway	1200	Ireland	200
Finland	750	Argentina	50
New Zealand	750	Iceland	50
Denmark	500	Paraguay	30
Global resettlement places - 88,710 to 101,410			

¹ UNHCR (2006) *The State of the World's Refugees 2006: Human Displacement in the New Millennium*, pp 106ff.

² 5.5 million refugees in UNHCR caseload and 3.3 million Palestinian refugees covered by UNRWA mandate.

³ As reported at UNHCR's Annual Tripartite Consultations on Resettlement, Geneva, 28-30 June 2007. Figures for calendar or fiscal year. Total US figure includes reserve of 10,000 places; Australian figure includes up to 7000 SHP places (range allows for onshore protection visa grants subtracted from total); Canadian estimate includes 3000 to 4000 Privately Sponsored Refugee places.

The Australian Government has advocated successfully for a stronger Resettlement Service within UNHCR as part of a strategy to give resettlement a higher priority. UNHCR's Resettlement Service has been working hard to improve its capacity to refer refugees for resettlement, achieving a 17% increase in resettlement referrals in 2006 and aiming for a further increase of 11% in 2007. As UNHCR's referral capacity grows, greater international support will be required for resettlement. Australia is in a strong position to enhance its role as a global leader in refugee resettlement, leading by example and advocating actively for other nations to increase their involvement in resettlement.

RCOA recommends that the Australian Government work actively with UNHCR to encourage other nations to expand or develop refugee resettlement programs, offering practical support to governments willing to develop settlement programs.

2.3 Australia's support for UNHCR

RCOA has expressed concern for the past six years about the Australian Government's cut in financial support for the activities of UNHCR. In the 2002-03 Federal Budget, the Government's core funding of UNHCR was cut from \$14.3 million to \$7.3 million. While Australia has made additional voluntary contributions to particular UNHCR appeals and activities, total contributions have substantially declined in real terms. An analysis of UNHCR's record of government contributions shows that Australia's contribution (in Australian dollars) declined from \$25.3 million in 2002 to \$16.1 million the following year. When the annual contributions are adjusted for inflation, the 2007 contribution of \$19.8 million was 32% lower in real terms than Australia's financial support of UNHCR in 2002.

Australia's annual contribution to UNHCR activities – 2001-2007 ⁴

Year	US dollars ('000)	Australian dollars ('000)	Value in 2007 Australian dollars ('000)
2001	11,936	23,100	27,314
2002	13,764	25,344	29,086
2003	10,468	16,137	18,092
2004	13,618	18,511	20,229
2005	13,276	17,429	18,529
2006	13,484	17,905	18,435
2007	16,553	19,758	19,758

In its 2003 and 2007 *National Platforms*, the Australian Labor Party (ALP) acknowledged the importance of the UNHCR's role in creating durable solutions for refugees and committed itself to boosting Australian financial support. In the past two years, UNHCR has achieved significant internal reforms, achieving savings in staff costs to improve funding for key operations. It has also increased its focus on field operations, reducing the size of headquarters and devolving greater responsibility and resources to regional offices. Despite this, the demands on the organisation are no less pressing than in the past. Of these demands of particular relevance to Australia's Refugee and Humanitarian Program and the Government's aid and foreign policy objectives are:

- maintaining and enhancing UNHCR's resettlement referral capacity;
- sustaining the extraordinary relief action for Iraqi refugees in neighbouring countries and for displaced people within Iraq; and
- supporting UNHCR's lead role in relation to various aspects of the "cluster approach" to IDPs.

⁴ Annual contribution in US dollars, as reported to UNHCR Standing Committee meeting in February of following year; 2007 figure from September 2007 Standing Committee meeting papers. Conversion to Australian dollars using the annual exchange rate recorded in *OECD Economic Outlook No 82* (December 2007). Conversion to 2007 value using Australian Bureau of Statistics' annual December quarter CPI index.

The 2008-09 Federal Budget provides an ideal opportunity for the Australian Government to demonstrate its commitment to UNHCR by making a significant increase in funding for the organisation's core work and operations. This would directly benefit UNHCR's vital work and signal that the new Australian Government is committed to multilateralism and the work of UN agencies.

RCOA recommends that the Australian Government increase its overall contribution to UNHCR by 35%, to restore it in real terms to 2002 levels.

2.4 A 'whole of government' approach to international protection

2.4.1 Connecting strategies on development, human rights and displacement

Australia's increased commitment to strengthening the international protection system in recent years is highly commendable. Its participation in positive international fora can continue to help ensure that human rights protections for refugees and asylum seekers are paramount considerations in discussions regarding the effective management of trans-border migration. However, Australia is still mainly focused on its role in the international settlement system which is the purview of the Department of Immigration and Citizenship (DIAC). International protection issues are thus considered to fall entirely under DIAC's remit despite also being inextricably linked the work of the Department of Foreign Affairs and Trade (DFAT), the Australian Agency for International Development (AusAID), Department of Prime Minister and Cabinet (PM&C) and other government agencies.

Australia's contribution to international protection initiatives that fall outside of its participation in UNHCR could thus be enhanced through a greater emphasis on developing a whole-of-government approach to these matters. This approach could help catalyse:

- The brokering of comprehensive multilateral solutions aimed at resolving protracted refugee and displacement situations. Australia's participation in facilitating resettlement for Bhutanese refugees in Nepal is a sound example of how it can work towards developing durable solutions for refugee communities. Other initiatives may require input from other government agencies to operate effectively and could include the development of a comprehensive multilateral plan involving the offer of increased resettlement places coupled with debt relief or increased aid in return for agreements with host countries to better respect refugee rights.
- Encouragement and practical support for the shift from the "care and maintenance approach" for dealing with refugees and displaced people in camps towards a rights-based development approach with an emphasis on self-reliance. This could involve, for instance, encouraging host nations to integrate refugee and IDPs into national development plans by considering them a resource rather than a burden.
- More effective participation in the Inter-Agency Standing Committee Cluster Approach. UNHCR and other UN agencies are working with NGOs to operationalise the cluster approach to provide better responses to emergency and humanitarian situations internationally. It would thus be useful to match an Australian whole-of-government response to this attempt to create a more coordinated international response.
- The incorporation and mainstreaming of protection considerations in emergencies and across AusAID-funded development work.
- Matching initiatives to tackle criminal aspects of human trafficking and slavery with the protection of human rights of victims of trafficking. Similarly, efforts to combat unauthorised migration could better acknowledge the need to protect the human rights of unauthorised migrants, including refugees and asylum seekers in mixed migration flows.

- Addressing the root causes of refugee flows by supporting initiatives aimed at resolving conflicts and preventing human rights abuses as well as promoting respect for human rights, the rule of law and democracy.
- Promoting human rights and protection obligations as integral to support for the newly established UN Peace Building Commission and broader UN-led peace-keeping missions.
- Ensuring that refugees, IDPs and stateless individuals are incorporated as a priority under the program for achieving the *Millennium Development Goals*.

Promotion of a whole-of-government approach to refugee and asylum seeker issues that prioritises the question of and Australia's obligations to provide international protection could assist in overcoming the discrepancies that have arisen between the government's commitment to a robust resettlement program and its other efforts to facilitate managed migration flows. Some of the key characteristics of this disjuncture include:

- The focus on strengthening and improving Australia's resettlement program is not always matched by efforts to ensure Australia satisfies its primary obligations under the Refugee Convention.
- Commonwealth spending on border protection remains significantly disproportionate to Australia's assistance for UNHCR and countries of first asylum. Similarly, the focus of Australia's migration policies on the imposition of draconian penalties for unauthorised entry, "deterrence" in third countries, interception and interdiction is not accompanied by greater efforts to resolve the root causes of secondary movement, which largely stem from the breakdown of effective protection in first asylum countries.

2.4.2 Cross-sectoral consultation

A balanced and consistent approach to international protection cannot be achieved without developing greater program and policy coordination across key government portfolios and enhanced dialogue involving a greater cross-section of human rights, humanitarian, development and refugee agencies.

Each year, Australia participates in range of multilateral meetings, which have a major impact on the world's refugees, IDPs, stateless people and asylum seekers. These include:

- UNHCR Standing Committee meetings;
- UNHCR Executive Committee meetings (ExCom);
- UNHCR's Annual Tripartite Consultation on Resettlement (ATC);
- International Organisation for Migration (IOM) meetings; and
- UN Human Rights Council

There is also a range of Australian Government consultations with non-government organisations (NGOs) including:

- DIAC NGO Dialogue on Refugee and Humanitarian Issues;
- DIAC NGO held prior to, and focusing on, UNHCR ExCom;
- Ministerial consultations;
- DFAT Human Rights Consultation; and
- Attorney General's Human Rights Consultations.

Through both Australia's engagement in multilateral fora and its consultations with NGOs, much is achieved. DIAC has taken an appreciated lead on international protection and displacement issues and has demonstrated a willingness to ensure wide-ranging and frank consultations with NGOs through its convening the DIAC NGO meeting and supporting increased interest and active participation of AusAID in this meeting. In addition, Australia's commitment to having NGO representatives on the Australian Government delegation to UNHCR ExCom has also provided an important and valuable opportunity for increased mutual understanding and information sharing. We encourage DIAC to continue to strengthen its engagement with NGOs in this respect. RCOA

also recognises the important role that DFAT and AusAID play in the delegation. Active involvement by these agencies is crucial as much of ExCom's agenda relates to these portfolios.

That said, one of the problems that has persisted on the domestic front is that different NGO sectors attend different meetings and a silo approach to international protection remains; human rights organisations tend to favour attendance at the Attorney General's forum, development agencies favour dialogue with AusAID and refugee agencies tend to restrict their focus to the DIAC NGO. However, it is clear that international protection issues transcend all of these meetings and it would thus be beneficial for there to be some mechanism by which both a cross-section of NGOs and government agencies can be involved in discussion of these international protection questions. Greater recognition of the importance of international protection issues should also see them incorporated more explicitly in the agendas of existing liaison and consultation meetings. In addition, those meetings that focus exclusively on Australia's international response would benefit from some discussion of resettlement questions.

Notwithstanding these very positive mechanisms for consultation, RCOA believes that there is scope for further strengthening dialogue on refugee, displacement and protection issues more generally. In recent years, there has been renewed international interest and commitment to moving from aid to development and assisting refugees attain self-reliance while in countries of first asylum. Equally, where refugees become warehoused in protracted refugee situations, there has been increased awareness of the need to ensure that they are able to enjoy their basic human rights and specific rights as refugees, even if that means states must use their overseas development assistance to leverage these rights as part of a comprehensive solution. Under the new cluster approach for IDPs, there is increasing recognition of the need to provide both assistance and protection in a more integrated way. As such, the relationship between DIAC and AusAID, and between those agencies and NGOs more broadly, has become critical.

Ultimately, integrated planning between DIAC, DFAT, PM&C and AusAID in collaboration with NGOs on such issues as emergency response, aid delivery, protection and resettlement, would provide a holistic approach to addressing the causes and alleviating some of the consequences of displacement.

2.4.3 Using international fora to promote protection

In addition to the meetings outlined above, Australia's participation in the broader human rights, human security and international security fora can texture and facilitate better adherence to its obligations within the framework for refugee protection. Some areas in which such participation could be enhanced involve:

- A closer appreciation of the intersection between the Refugee Convention, its associated instruments, and other human rights agreements to which Australia is party, including the *Convention on the Elimination of All Forms of Discrimination against Women 1979*, the *Convention on the Rights of the Child 1989*, and the newly-signed *Convention on the Rights of Persons with Disabilities 2006*.
- Working with countries in the Asia-Pacific region to encourage their more active participation and adherence to international human rights obligations vis a vis refugees and asylum seekers. To that end, Australia's continued support for Indonesia's mooted ratification of the Refugee Convention as a means of enabling its participation in the Human Rights Council is a positive development.
- Using multilateral human rights fora as the primary means for promoting international cooperation to address refugee protection and displacement, as opposed to bilateral agreements that have the potential to exploit protection deficits in, or economic vulnerability of neighbouring countries.
- Ratification of the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 2002* as a public and practical demonstration of Australia's commitment to *non-refoulement* for victims of torture.

- Continued participation in review processes conducted by UN human rights treaty monitoring bodies. Australia is due to report on its implementation of a number of human rights conventions in the coming year. While it is clear that adherence to Australia's obligations under these treaties were coloured by the policy priorities of the former Federal government, it is important that Australia use upcoming UN Committee appearances as an opportunity to explore ways in which the current administration can work towards a more robust approach to the spirit and letter of its human rights obligations.

RCOA recommends that:

- ***the Australian Government explore opportunities for developing a more balanced and consistent response to uprooted people by developing a more integrated whole-of-government approach to asylum seekers, refugees and IDPs, involving greater program and policy coordination across key government portfolios and dialogue with a broader cross section of human rights, humanitarian, development and refugee agencies; and***
- ***AusAID create a special advisor on refugee, displacement and protection issues to act as a focal point for NGOs and other government departments and as a coordinator and specialist advisor within AusAID that could bring protection, emergency response and development needs together in a more integrated manner.***

2.5 Popular discourse about refugees

RCOA has been concerned for some years by the way in which Australia's international advocacy for refugees has been undermined by destructive political rhetoric. Negative and inaccurate perceptions about asylum seekers have been exacerbated by the regular use of negative language and cultural stereotyping, including references to asylum seekers arriving by boat as "illegals" and "queue jumpers" and inferences that asylum seekers may be linked to terrorism or crime. In the past year or so, we have seen some politicians unjustly single out Sudanese refugees for adverse comment when discussing settlement issues.

The problem is not restricted to Australia. UN High Commissioner for Refugees, Mr Antonio Guterres, tackled this issue when addressing representatives of more than 160 nations in his opening statement to the 56th Session of UNHCR's Executive Committee in October 2005:

Intolerance for people from elsewhere, for strangers, for those who are different, is fed by some politicians in search of popularity and by several media in search of increased market share. The rise of populism has led to a systematic and wilful confusion in public opinion, mixing security problems, terrorism, migrant flows and refugee and asylum issues.

Preserving asylum means challenging the notion that refugees and asylum seekers are the agents of insecurity or terrorism rather than its victims. Unfortunately, there are many situations today where the concept of asylum is misunderstood, where it is even equated with terrorism. Terrorism must be fought with total determination. But asylum is and must remain a central tenet of democracy.

I appeal to all of you, representatives of responsible governments, members of the active global civil society, international civil servants like myself, to stand together, joining our forces and our voices, confronting this populist approach and promoting tolerance, reason and democratic values.

A political change in Australia provides an ideal opportunity for a change to more balanced and fair public discourse about refugee issues. RCOA appeals to Australia's Parliamentarians to set the standard in replacing inaccurate, unbalanced and inflammatory descriptions of refugees and asylum seekers with language which is grounded in human rights principles, in sympathy with Australia's treaty obligations and the rule of law, and respectful of people seeking protection.

3. COMPOSITION OF THE HUMANITARIAN PROGRAM

3.1 Maintaining a non-discriminatory program

In preparing this submission, RCOA conducted community consultations in around 40 locations in eight States and Territories. The consultations took place between mid October and early December, coinciding with the period between the calling of the Federal election campaign and the swearing in of the new Government. At some point in every consultation, participants raised their concerns about the impacts of political division around a program which, in the past, enjoyed bipartisan political support. Participants were dismayed at the now former Immigration Minister's unjust criticism of new arrivals from Africa and expressed concern about the prospect of long-term damage to the humanitarian values of Australia's Refugee and Humanitarian Program.

Since 1947, Australia has offered around 700,000 refugees and humanitarian migrants the chance to begin life again in a new land, free from persecution and fear. These refugees and their descendants have repaid Australia's generosity to them with their commitment, ideas and energy, making significant contributions to our national economic, social, cultural and political life.

While its contribution to nation-building is significant, the greatest significance of Australia's Refugee and Humanitarian Program lies in its role in providing protection for some of the world's vulnerable people. This program differs from the rest of the Migration Program in that it is essentially about saving lives and about Australia's involvement in the protection of human rights. By maintaining a strong commitment to the program, Australia is providing valuable assistance to UNHCR's efforts to provide refuge for people who have no other solutions available. Australia's long-term role in refugee resettlement provides a valuable example to other governments considering greater involvement in resettlement.

Australia's achievements in refugee resettlement would be undermined, however, by any attempt to skew the refugee and humanitarian intake towards people who are perceived to have greater potential to "integrate". As the Forum of Australian Services for Survivors of Torture and Trauma (FASSTT) noted in October: "There is no credible test that could be appropriately applied to refugees living in desperate situations that could be used to determine their ability to successfully integrate. Such an approach would inevitably generate a highly subjective and speculative system of selection that would lack fairness and consistency and would lead to unfair discrimination."⁵

Similarly, any suggestion that refugee and humanitarian visa applicants should be excluded or given favourable treatment on the basis of religious adherence must also be rejected. The Refugee Convention seeks to protect people facing persecution *because* of their religion, political views, nationality, ethnicity or membership of a particular social group. It is essential that people seeking protection under the Convention through Australia's Refugee and Humanitarian Program do not face discrimination on any of these grounds.

3.2 Onshore and offshore visas

In 1996, the incoming Australian Government numerically linked the onshore and offshore humanitarian programs. At the time, RCOA contended that the policy would create tensions between communities anxious to sponsor relatives and refugees arriving as asylum seekers. This tension was most pronounced in the years when asylum seeker numbers were high. The linkage also provided justification for the previous government's demonising of asylum seekers and the promulgation of the myth of two classes of refugees: worthy offshore entrants who "waited their turn" in refugee camps and unworthy asylum seekers who were "jumping the queue".

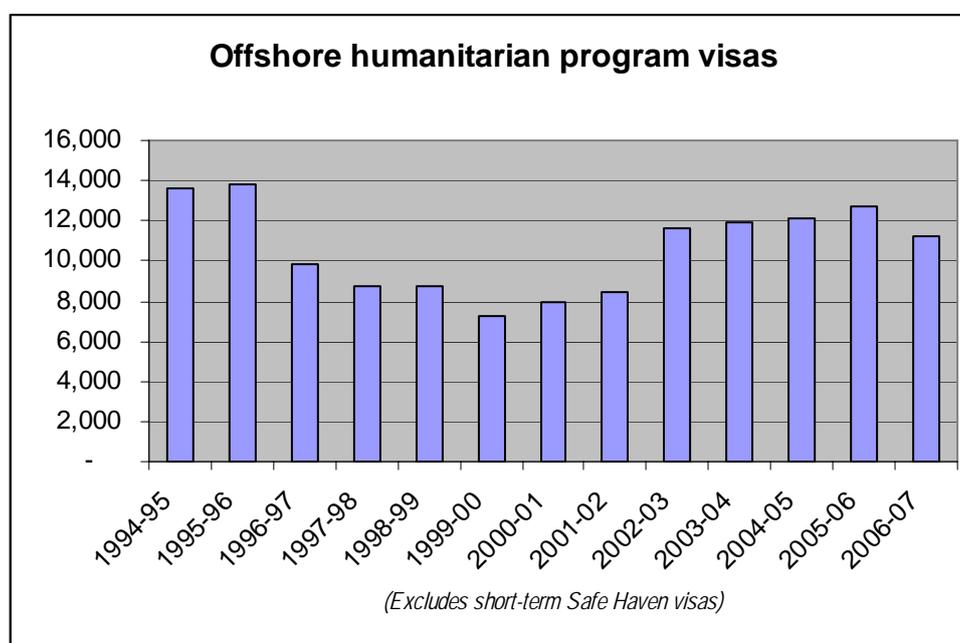
⁵ Forum for Australian Services for Survivors of Torture and Trauma (2007) *Australia's refugee program should be based on resettlement need not 'integration potential'*, media release, 10 October 2007.

Prior to 1996, onshore refugee numbers were not counted against the Humanitarian Program. Instead they were seen as a distinct legal obligation under the Refugee Convention and separate from the offshore program. The offshore program was recognised as a voluntary contribution to addressing the international refugee situation and part of international burden sharing. RCOA believes that the onshore and offshore components should once again be de-linked in recognition of the separate roles they play in refugee protection.

RCOA recommends that the offshore humanitarian numbers be determined independently of those granted protection visas onshore.

3.3 Size of offshore humanitarian program

The 1996 decision to link the offshore and onshore humanitarian programs under a new cap of 12,000 places per year resulted in a substantial cut in the number of offshore humanitarian visa grants. In the first year of this new policy, the number of offshore humanitarian visas granted was cut by nearly 30%, from 13,824 in 1995-96 to 9886 the following year. Offshore refugee, special humanitarian and special assistance visas dropped to just 7267 in 1999-2000,⁶ a year in which 5900 short-term Safe Haven visas were issued to Kosovars and East Timorese.



The overall Humanitarian Program (offshore and onshore) was increased in 2004-05 by 1000 to 13,000. This small increase failed to restore the combined offshore and onshore program to its 1995-96 level, when the ALP was last in government, of 15,050.⁷ In 2006-07, 11,186 offshore humanitarian visas were issued.

RCOA has long argued that the Humanitarian Program should grow as the overall Migration Program has grown, reflecting both the demand for resettlement places and Australia's capacity to assist. However, as the Migration Program has grown, the proportion of Refugee and Humanitarian Entrants has halved. The previous government reduced the combined Migration Program (Family, Economic and Humanitarian Entry) in its first two years in office, to 79,160 in 1997-98. However, in the decade since, the government doubled the overall Migration Program – to 161,217 in 2006-07 – while adding just 1000 places to the Humanitarian Program. As a result,

⁶ Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) (2002) *Australian Immigration Consolidated Statistics: Number 21*, DIMIA, Canberra

⁷ Department of Immigration and Multicultural Affairs (2000) *Population Flows: Immigration Aspects*, DIMA, Canberra

the Humanitarian Program's proportion of the combined Migration Program has reduced from 16% in 1995-96 to just 8% in 2006-07.

Division of Migration Program by percentage

Visa Stream	1995-96⁸	1996-97⁹	2006-07¹⁰
Humanitarian Entry	16%	14%	8%
Family Entry	59%	53%	31%
Economic Entry	25%	33%	61%

In 2006-07, the number of refugee and humanitarian visas granted was greater than the number of visas available, resulting in places being brought forward from the 2007-08 program year. This is the fourth consecutive year that this has occurred.¹¹ The flexibility around program numbers was introduced at a time when the projected numbers were not being met and this allowed those unused visas to be carried over to the next financial year. In 1999, RCOA was concerned that the allocated numbers were giving a false impression about the size of the program. Today the same is happening in reverse, as the number of visas granted is consistently more than the nominal allocated amount, creating a system that it is continually borrowing places from the forthcoming year. It is time to rectify the allocation to better reflect the number of visas issued and instigate a plan for future growth so that the program truly represents Australia's capacity to assist the global refugee crisis.

In view of previous cuts in offshore humanitarian visa numbers and the pressing global need for more refugee resettlement places, RCOA recommends that

- ***the humanitarian intake for the 2008-09 program year be increased to 17,000 places; and***
- ***an annual 4% increase in places be introduced for subsequent program years.***

3.4 Program composition

The offshore program is divided into the Refugee Program and the Special Humanitarian Program (SHP). RCOA has always argued that the refugee component should have primacy and that this should be reflected in the allocation of places. This was finally recognised in principle in 2004-05 with the nominal allocation of 50% of the program to refugee visas. This, however, is yet to be reflected in practice. The 2006-07 year was the first year in which the refugee component outnumbered the SHP component since 2000-01; however, it still only represented 46% of the total humanitarian program when the onshore component was included. The de-linking of the onshore and offshore programs would go some way towards achieving the 50% target.

An important element of the refugee component is the Woman at Risk visa. This visa was introduced in 1989-90 after UNHCR created the category in recognition of the particular vulnerabilities faced by women and girls in countries of first asylum. Australia is one of the few resettlement countries to have a Woman at Risk program.

RCOA has been advocating for many years for an increase in the Woman at Risk quota from 10.5% of the Refugee Program to 15%. This increase would more closely reflect the actual visa allocation – which for the last three years has exceeded 15% – and would contribute to the Humanitarian Program's objective of targeting the most vulnerable refugees. In addition, the criteria also need to be reassessed so that they are more closely aligned with UNHCR and international practice which acknowledges that a woman can be at risk even if she is accompanied by a male family member.

⁸ Ibid.

⁹ Ibid.

¹⁰ Department of Immigration and Citizenship (2007) *Annual Report 2006-07*, DIAC, Canberra.

¹¹ Ibid.

RCOA recommends that:

- **half of the offshore humanitarian program be allocated to the Refugee Program; and**
- **that the Woman at Risk quota be increased to 15% of the Refugee Program.**

3.5 Reuniting split families

In July 1997 the Australian Government introduced new regulations creating the split family provision of the Special Humanitarian Program (SHP). This provision allowed refugees and humanitarian entrants to sponsor family under the SHP, thereby avoiding both the costs associated with family stream visas and the two-year wait for accessing social security. Initially, this change also provided faster processing leading to families being reunited more quickly.

Before this provision was introduced, refugee and humanitarian entrants sponsored their immediate families under the family category. RCOA at the time welcomed the move to make family reunion less costly and the supports more appropriate to the needs of this client group. However, concern was expressed that family reunion places would be counted against the Humanitarian Program, thus further reducing the places available to those in greatest need.

The faster processing times also diminished as the popularity of the SHP grew. Today we have a situation where refugees and humanitarian entrants are, once again, sponsoring family through the family stream in order to avoid lengthy delays in reuniting. This is causing great hardship, as these families, some of whom have been separated for many years, are then unable to access the necessary settlement supports and are excluded from applying for Centrelink benefits for two years. In the case of spouse visas, those sponsored are also at risk of being returned if the relationship breaks down.

The Department of Immigration's 1998-99 *Annual Report* is the last report to include the number of split family visas granted. However, the 1999-2000 *Annual Report* notes that an increase in split family cases had impacted on the management of the program. Since the Department stopped reporting on the numbers, it has been impossible to discern what percentage of the SHP is currently going to split family applications.

As well as impacting on the number of SHP places, the current arrangements also provide little clarity to potential proposers. The lack of transparency in the SHP process and the failure to provide reasons why an application is refused has led to confusion in the community about the level of priority given to split family applications. It has also increased community perceptions that split family applications are subject to the regional targets and that the definition of family is not being applied with flexibility and cultural sensitivity. RCOA continues to call for DIAC to provide reasons for refusals.

In recognition of the importance to successful settlement of split families being reunited, RCOA believes that a separate Humanitarian Family Reunion Visa category should be created. Under this new visa category, new arrivals would be offered the same level of access to settlement services and support as that offered to other humanitarian visa entrants. The visa would not be linked to any regional targets, with applications given priority (regardless of country of origin) to ensure families are reunited promptly. As the need for humanitarian settlement of the family has already been established through the granting of visas to the family members already in Australia, DIAC could, through a separate visa category, give these split family applications priority and process them more quickly.

The need for a separate system for handling the reunion of families of humanitarian entrants has been heightened with the significant changes in the program's regional targets in recent years. In particular, the sharp reduction in the African intake from 70% to 30% in just four years has created pressures within the program with high numbers of applications for a limited number of places from Africa. The planning of the Humanitarian Program must take account of the impact resettling individuals separate from their family groups will have on the demand for places in subsequent

years. A separate Humanitarian Family Reunion Visa category would, in our view, be the most appropriate way of managing this need.

This new visa category could also assist in expediting the reunion of families separated for years by the Temporary Protection Visa (TPV) system, which denied TPV holders access to family reunion until after they received permanent protection. RCOA has expressed concern about the impact of this policy since the creation of the TPV category, which kept families apart despite recognising that the family members already in Australia needed protection. Now that most former TPV holders have been given permanent protection, it is important that those separated for years from immediate family are reunited as a matter of urgency.

In previous submissions, we have outlined community concerns about the impact of a narrow definition of family being applied in the processing of humanitarian visa applications. In developing this new visa category, it is important that the definition of family be broader than the most narrow nuclear family definition. The definition of family must be broad and flexible enough to include different cultural understandings of family, including cultural obligations to care for relatives who have lost members of their immediate family in conflict. We recommend, in line with the recommendations of the UNHCR *Resettlement Handbook*, that demonstrated dependency be the governing principle.¹² This would allow for the definition of family to include orphan relatives, culturally adopted children, relatives with special needs and, in some circumstances, adult children.

As many refugee families are reshaped by deaths of siblings, births and customary adoption, there is a need for guidelines and discretionary power to include members of the applicant's family unit who were not declared prior to the grant of the proposer's visa. The processing of applications would be assisted by a form which asks questions about contact, dependency and current living conditions for the applicant. Improved access to migration advice and legal assistance is also needed, as family reunion applications have become more complex with issues of dependency, DNA and health testing, often requiring ongoing communication with Department staff.

Ultimately, this Humanitarian Family Reunion visa category could be placed either within the Family Migration program or the Humanitarian Program, as there are clear arguments for both. Wherever it is placed within the migration program, this visa category must retain the following characteristics:

- It should not be linked in any way to regional targets but respond to the need of humanitarian entrants to reunite their families.
- New arrivals must be provided with full settlement services and social security entitlements.
- Particular priority should be given to the processing of applications to ensure that families are reunited as promptly as possible.

We recognise that, in the short term, it may be difficult to assess the exact demand for this new visa category, particularly if there is some redefinition of the concept of family. As many of these applications are currently handled through the SHP, we believe that this new Humanitarian Family Reunion Visa category could be trialled in 2008-09 as a category linked numerically to the SHP. In the initial stages at least, this would allow sufficient flexibility in allocating visas while estimates of likely longer term need are developed, as well as ensuring that adequate and planned settlement support is available.

RCOA recommends that:

- ***a specific Humanitarian Family Reunion Visa category be trialled in 2008-09, linked numerically to the Special Humanitarian Program and offering settlement support for new arrivals; and***
- ***special priority be given to processing applications from former TPV holders seeking to reunite with their families.***

¹² UNHCR (2004) *UNHCR Resettlement Handbook and Country Chapters*, UNHCR, available: <http://www.unhcr.org/cgi-bin/texis/vtx/protect?id=3d4545984>

3.6 Resettlement priorities and regional targets

In preparing this submission, RCOA has chosen not to offer a detailed analysis of the need for refugee resettlement country by country across the globe. We have, however, decided to focus on the situation in three countries with long histories of refugee crises and where mass displacement (both refugees and IDPs) has continued to occur during the past year – Iraq, Sudan and Burma. Our aim is not to highlight the situation in those countries at the expense of others but to cast some light on the background to three of the major humanitarian crises that require international attention. Our analysis also focuses on the particular settlement needs of and challenges facing refugees and humanitarian entrants from these parts of the world once they have arrived in Australia. These country profiles can be found in Section 9 of this submission.

RCOA believes that the best way for Australia to maintain a refugee program based on sound humanitarian principles is to be guided by the global resettlement priorities of UNHCR. At its June 2007 Annual Tripartite Consultations on Resettlement, UNHCR projected that, in 2008, it would identify about 203,000 refugees in need of resettlement (both individual and group resettlement) and have the capacity to process resettlement applications for up to 108,000 of these people. The breakdown of these projections by region (according to country of origin) is:

Region	Number in need of resettlement		UNHCR's estimated capacity to process	
Middle East	95,500 ¹³	47%	22,000	20%
Asia	68,200	34%	60,500	56%
Africa	29,800	15%	18,700	17%
Americas	1,500	<1%	1,000	1%
Europe	800	<1%	300	<1%
Mixed nationalities ¹⁴	7,200	4%	5,500	5%
Total	203,000	(100%)	108,000	(100%)

As the above table highlights, UNHCR's capacity to process applications for those in need of resettlement varies greatly from region to region. This is most marked in Iraq, where UNHCR estimated in mid 2007 that in 2008 it would have the capacity to refer only about one quarter of those identified as being in need of resettlement. The 12 countries of origins with the largest numbers of refugees in need of resettlement are:

Country of origin	Number in need of resettlement	Estimate of applications able to be processed (%)
Iraq	95,500	25%
Myanmar	41,250	85%
Bhutan	20,100	100%
Somalia	13,300	60%
Democratic Republic of Congo	6,400	60%
Afghanistan	3,600	75%
Ethiopia	2,500	60%
Iran	2,000	100%
Eritrea	1,800	100%
Sudan	1,500	65%
Burundi	1,500	55%
Colombia	1,500	65%

¹³ The figures on this and the following table are not definitive but represent UNHCR's 2008 estimates (rounded) as at June 2007.

¹⁴ The "mixed nationalities" category refers to refugees whose nationality is not specified in UNHCR's resettlement referral statistics – smaller groups of refugees whose country of origin is listed as "Other" in statistics for each country of asylum.

RCOA believes that the Australian Government should use UNHCR's estimates of resettlement need (rather than its capacity to refer) to guide its regional targets for the 2008-09 Refugee and Humanitarian Program. The SHP gives the Government the capacity to resettle larger numbers of refugees from countries of asylum where UNHCR's referral capacity is more limited. Particular priority should be given in 2008-09 to resettlement of Iraqi refugees, given the ongoing state of crisis in the Middle East created by the conflict in Iraq. As the above table shows, UNHCR believes that nearly 100,000 Iraqis are in need of resettlement, just under half of the global estimate.¹⁵

During RCOA's consultations for this submission, many concerns were raised about the regional composition for the Refugee and Humanitarian Program and the great pressure on the SHP:

- The increase in the Middle Eastern intake was still small in comparison to the scale of the pressing need for the resettlement of Iraqi refugees from Syria, Jordan and elsewhere. Participants expressed concern about the large numbers of SHP applications from the Middle East being refused.
- The cut in the African intake from 50% to 35% in the 2007-08 year was resulting in the African intake being dominated by split family applications under the SHP. People believed that there was little likelihood of refugee visa applications and non-family SHP applications from Africa being approved.
- People expressed concern that the regional targets set for the refugee component of the program were being applied across the whole humanitarian program, failing to acknowledge the need for different regional priorities for split family applications and other humanitarian needs.
- Concern was expressed about the difficulties in getting applications approved for people who had compelling cases for resettlement but were not able to access UNHCR's registration or resettlement referral processes. These included refugees in areas where UNHCR had limited capacity and IDPs in serious conflicts (such as in the Darfur region of Sudan).

RCOA recommends that the 2008-09 offshore humanitarian program consist of 17,000 places – 8,500 places in the Refugee category and 8,500 places to be divided between the Special Humanitarian Program and a new Humanitarian Family Reunion Visa category.

Suggested priorities are outlined in the following table:

Program	Regional targets	Special priorities	Places
Refugee Program	Regional targets based principally on UNHCR's identified global resettlement priorities.	15% allocation to Woman at Risk category.	8,500 places
Humanitarian Family Reunion Visa	No regional targets. Applications determined on needs basis.	High priority given to families separated for extended periods (including former TPV holders). Flexible definition of split family to include at risk relatives who are culturally regarded as dependants.	8,500 places - to be divided across both categories on needs basis
Special Humanitarian Program	Separate regional targets, based on a combination of: UNHCR priorities; demand for SHP in previous years; and assessment of vulnerable groups not otherwise protected.	Refugee populations where UNHCR has limited capacity to refer (e.g. Iraq). Special consideration given to IDPs and stateless people with urgent protection needs.	
Recommended offshore humanitarian program - 17,000 places			

¹⁵ . In drawing attention to UNHCR's limited referral capacity in some regions, RCOA is not, in any way, seeking to be critical of UNHCR which, through its Resettlement Service, has significantly expanded its capacity to refer refugees for resettlement in recent years. If anything, UNHCR's limited capacity strengthens its rightful claim for greater international financial support.

4. VISA PROCESSING AND SUPPORT ISSUES

4.1 Special Humanitarian Program

4.1.1 SHP application process

The lack of clarity in the processing of SHP applications was one of the most common concerns expressed in the community consultations conducted for this submission. The core of the problem is the overwhelming demand for places under the program, with the number of applications in any year generally 12 to 15 times greater than the number of places available. There is no doubt that the SHP is an excellent program. It provides a flexible option for Australian residents to propose people in desperate need of resettlement. In doing so, it helps to rebuild links broken by war and persecution and contributes to the strengthening of new and emerging communities in Australia. The valuable nature of the program contributes to the complexity of managing the application process.

The common request from those lodging SHP proposals is for greater clarity about why applications are being accepted or rejected. Participants in our consultations spoke of the creation of false hopes among proposers and potential entrants, time wasted by all parties (including DIAC) on the huge number of applications, the frustration created by multiple and serial rejections with no clear explanation, and mistakes being made in the processing of applications. Concern was also expressed about the tone of rejection letters.

One community-based group reported receiving an acknowledgement of the group's SHP application and notification of refusal on the same day, raising questions for the group about why the application was so easily dismissed. Some community groups were finding the SHP applications they lodged had almost no chance of success. Members of the Sanctuary Network, for example, reported that good opportunities for regional resettlement were going begging, as their groups had raised funds for airfares, had strong community support and suitable housing options but few new arrivals to take them up.

Another concern expressed by consultation participants was about DIAC's expectation, in many cases, that SHP applicants should be registered with UNHCR. This expectation failed to recognise the difficulties faced by many refugees and displaced people in seeking UNHCR registration, particularly in host countries where governments or others hampered UNHCR's operations or where UNHCR's capacity to respond was limited.

There is no easy solution to the current pressure on the SHP, as the demand for places will inevitably greatly exceed available places. However, with clearer feedback, potential applicants would be able to make a more informed decision about whether or not to lodge an application. More information about grounds for refusal should be included in response letters to unsuccessful applicants. Feedback could be enhanced by DIAC making information publicly available about current SHP priorities. This information should not be prescriptive but should give potential applicants an idea of current demand for SHP places and why particular types of applications are likely to receive priority.

RCOA recommends that DIAC explore ways of improving feedback to unsuccessful SHP applicants and of providing public advice on current SHP priorities.

4.1.2 Travel costs

The SHP was created in 1981 essentially to provide a humanitarian response to relatives of refugees who were suffering substantial human rights abuses but didn't qualify for the refugee program.¹⁶ SHP entrants need to be proposed by a citizen, permanent resident or organisation in

¹⁶ DIMA (2001) *Immigration: Federation to Century's End 1901-2000*, DIMA, Canberra.

Australia, who is responsible for paying all travel costs. These costs can be quite substantial and, as most proposers are former refugees or humanitarian entrants themselves, many have to borrow the money.

In response to this, a number of community-based loan schemes have been developed, some of which have lasted and others have not. RCOA has been advocating since 2003 for a more comprehensive approach to travel loans for SHP proposers. In 2005 the Government responded with an injection of \$2.5 million into the International Organisation for Migration (IOM) travel loan scheme and some small administrative changes were made to make this scheme more accessible. However, after recently conducting consultations with proposers, new entrants and those working with them, RCOA believes that the situation cannot be resolved with a travel loan scheme.

In 2007, with the support of the Reichstein Foundation, RCOA conducted research into travel costs for SHP entrants. RCOA's research, conducted in metropolitan and regional Victoria, found that most travel loans were on an informal basis, with very few proposers accessing the IOM loans. In the majority of cases, these debts were being transferred to the SHP entrant on arrival. New SHP entrants, therefore, were arriving in Australia with a significant debt, often with high interest rates and short repayment periods. In order to pay off the debt, most new entrants were living with their proposers in overcrowded conditions. In some cases, new entrants were subject to exploitative conditions, sometimes verging on debt bondage.

The travel costs are causing extreme hardship to both the proposers and the new entrants. Travel costs and their associated debts are creating or exacerbating problems for new arrivals, including:

- poverty;
- malnutrition;
- housing stress and overcrowding;
- homelessness;
- separation of families across households;
- discontinuation of schooling;
- bad credit ratings; and
- bankruptcy.

This hardship is also causing relationships between proposers and SHP entrants to break down at a time when the new entrant most needs support and assistance.

It is unfair to expect humanitarian entrants, who in many cases are coming from identical situations to refugee visa entrants, to pay off their own airfares out of their Centrelink benefits. Australia takes the credit for providing up to 13,000 places in its offshore program and it therefore has a responsibility to ensure that those arriving, whether on a refugee or SHP visa, are provided with the support that they need for successful settlement. Since 2004, the Australian Government has covered the costs of overseas medical screenings for SHP entrants because this cost was seen as a burden on proposers and new entrants. In the same vein, RCOA believes that the Government should take responsibility for the airfare costs of SHP entrants.

Recognising that SHP entrants are in most cases coming from the same or similar situation as refugee entrants and that the repayment of travel loans is creating significant financial hardship, RCOA recommends that the Australian Government cover the costs of airfares for SHP entrants.

4.1.3 Proposer support

The SHP was introduced with the requirement that entrants have a proposer in Australia who is prepared to provide them with initial settlement support. Proposers and SHP entrants received very little government support prior to 2000 when the first contracted Integrated Humanitarian Settlement Strategy (IHSS) service was progressively introduced. The service had a proposer support component that focused mainly on providing proposers with information to assist them in

meeting their responsibilities to the new entrant. SHP entrants were also eligible for Household Formation Support and Early Health Assessment and Intervention.

An evaluation of the IHSS in 2003 found that many new entrants under the SHP were not receiving adequate support and the proposers were generally finding it difficult to provide the level of support and assistance needed.¹⁷ The evaluation also stated that “ideally SHPs should have access to all IHSS services and that this would ensure that [the Department] meets its duty of care to all humanitarian entrants”. Based on the evaluation, minor changes were made to the program to allow SHP entrants limited access to the Initial Information and Orientation Assistance service for assistance in locating long term rental accommodation.¹⁸

The new IHSS tender, introduced in October 2005, promised strengthened support for SHP entrants and their proposers. However, while theoretically SHP entrants can access more than the most basic IHSS support after a needs assessment, the reality is that very few cases are approved for additional support by DIAC and then only those in great need. The level of support provided under the IHSS also varies from region to region, largely dependent on the contract price negotiated between DIAC and the local contractor.

For many years, RCOA has been raising concerns about the lack of support for SHP entrants. Proposers who are humanitarian entrants themselves are often not in a position to provide the necessary support for new entrants. The Australian Government has an obligation to ensure that those arriving under the SHP, many of whom have had similar experiences to refugee entrants, receive an adequate level of support.

RCOA commends the new proposer support model being developed by DIAC but acknowledges that, while this will be of assistance to some proposers, it does not address the core problem: that a significant proportion of SHP entrants require intensive settlement support beyond the capacity of most proposers.

RCOA recommends that all SHP entrants complete a needs assessment linked to full access to IHSS services and that funding be made available to the IHSS provider to ensure that adequate support can be provided.

4.1.4 Migration advice

In the submission on the 2000-01 Refugee and Humanitarian Intake, RCOA raised concerns about the demand for migration advice and application assistance for proposers. In that submission we reported that some settlement providers claimed that as much as 60% to 70% of their time was expended on providing immigration advice and application assistance to people wishing to propose under the SHP. Migration advice was provided in the context of providing settlement support, because for many new entrants reuniting with family and loved ones is the number one settlement priority.

Little has changed in 2008; in fact, the demand for application assistance appears to be even higher. However, with the introduction of the Settlement Grants Program in 2006, there has been a reduction in non-fee-charging migration agents and limitations placed on the provision of migration advice.¹⁹ Assistance with SHP applications is now very difficult to access.

RCOA has continually emphasised the importance of free migration assistance to potential proposers in order to improve the quality of applications, reduce repeat applications and ensure a fair process for applicants. Decisions on prospective SHP entrants need to be based on need and not on the capacity of the proposer to complete the forms. Non-fee-charging migration agents are

¹⁷ Urbis Keys Young (2003) *Evaluation of the Integrated Humanitarian Settlement Strategy (IHSS)*, prepared for DIMIA, DIMIA, Canberra.

¹⁸ DIMIA (2005) *Annual Report 2004-2005*, DIMIA, Canberra.

¹⁹ DIMIA (2005) *Settlement Grant Program Policy Paper*, DIMIA, Canberra.

in high demand and, as a result, some have had to reduce their service to migration advice only. This is inadequate for this client group as many require assistance in filling in what is a complex application form.

As proposing people under the SHP is a significant part of the settlement process, it makes sense that settlement support funds be allocated to the provision of non-fee charging migration agents to provide both advice and application assistance. This could occur through existing settlement or legal services.

RCOA recommends that funding be made available, either through the Immigration Advice and Application Assistance Scheme (IAAAS) or a similar program for non-fee charging migration agents to provide assistance to SHP proposers.

4.2 Onshore protection visa issues

For years, RCOA has expressed strong opposition to a range of punitive policies which have caused much damage to people seeking asylum within Australia. With a change of government, there is an urgent need for a wide-ranging review of onshore protection policies. We are pleased to note the new Government's quick action towards the dismantling of the offshore detention system and its willingness to consider other policy reform. The highest priority must be given to reviewing policies which continue to create or exacerbate psychological damage to people seeking protection in Australia.

In December 2007, RCOA and A Just Australia wrote to the Minister for Immigration and Citizenship, Senator Chris Evans, outlining seven urgent priorities for the Minister to consider. These priorities were developed through consultation with a range of organisations working with asylum seekers. The seven urgent priorities identified were:

- Ending the TPV and THV system by converting the current caseload to Permanent Protection Visas prior to any regulatory change to remove this visa class.
- Ending the Pacific Solution by resettling those on Nauru already found to be refugees and finalising the remaining caseloads.
- Transferring long-term detainees for whom there are no character or security concerns from Immigration Detention Centres into the highly successful Community Care Pilot (CCP).
- Reviewing the Ministerial Intervention process in the light of recommendations from the Commonwealth Ombudsman and, in the short-term, halting any imminent removals from Australia while this review takes place.
- Giving priority to reuniting split families of former TPV holders who have been trying unsuccessfully for some years to bring immediate family members to Australia.
- Granting work rights to asylum seekers holding Bridging Visa E (BVE) and removing the "45-day rule" which prevents affected BVE holders from accessing work rights and Medicare.
- Changing the language used in policy and public discourse about refugee issues, replacing public condemnation of asylum seekers and refugees with more balanced and positive commentary on refugees and the humanitarian program.

It is not our intention to canvass these and other onshore protection issues in detail in this submission, as RCOA's positions on these issues are well-known through previous submissions and position papers.

RCOA recommends that the Minister for Immigration and Citizenship establish a working group to conduct a review of onshore protection policies, inviting public submissions on policy priorities.

5. PLANNING OF SETTLEMENT SUPPORT

“There is still room to argue about the duration of settlement – whether the settling-in period lasts months or years or whether, for some at least, the settlement experience is a lifelong process of readjustment. You can argue about whether settlement services are equitable; whether it is fair to turn to the needs of recent arrivals while previous generations of migrants continue to suffer disadvantage and discrimination... These are all relevant questions but the answers relevant to the 1990s emerge more clearly if we recognise a principle which, however dimly, has guided immigration and settlement policy over four decades...: all permanent residents of Australia who have a need of publicly funded services are equally entitled to access those services...It follows that the principle must apply equally to Australian-born and overseas-born, and to all regardless of period of residence.”²⁰

- One of the architects of the 1991 policy, *A National Integrated Settlement Strategy*

5.1 A world-class system for refugee resettlement

Australia’s resettlement program for refugees and humanitarian entrants is among the most sophisticated and comprehensive in the world. Internationally, the program is highly regarded for its delivery of key settlement services, the coordination among settlement service providers, and its responsiveness over time to the needs of refugee communities. The esteem in which the program is held is in no small part due to the commitment that successive Federal and State governments have demonstrated towards maintaining settlement services as a budget priority within the migration support system. In many instances, and especially in recent times, the Department of Immigration has also attempted to work with settlement agencies to make ongoing improvements to the program and has successfully advocated for additional and better targeted resources even during periods of general budgetary contractions.

Australian settlement workers across the sector are renowned for their personal commitment and professionalism. As front-line staff who deal directly with refugees and humanitarian entrants on a daily basis, settlement workers are among the best placed (apart from refugees themselves) to evaluate program needs. These individuals have not hesitated to play an active role in spearheading initiatives and advocating strongly with and on behalf of their clients. Despite changes in policy priorities of governments over time, the demonstrated commitment of settlement workers and many officers within the Department of Immigration has ensured that any adverse impacts have, at the very least, been attempted to be ameliorated. Settlement workers in particular, despite being acutely aware of the external limitations placed upon them, frequently exceed their brief to ensure their clients continue to receive high quality care and services.

As with any system, there is always room for improvement. In this section, we explore the development of current approaches to settlement service provision and draw together community perspectives of issues to be tackled in developing more effective models.

5.2 Development of Australia’s settlement services and modern models

5.2.1 From assimilation to multiculturalism

Since the abolition of the White Australia Policy, Australia has developed and implemented a range of government-funded programs to complement existing community networks and services to assist individuals migrating to Australia. For refugees and humanitarian entrants, these programs were initially developed in response to a number of studies and reports including the 1976 report by the Senate Standing Committee on Foreign Affairs and Defence entitled *Australia and the Refugee Problem* and the comprehensive 1978 Galbally Report, *Review of Post-Arrival Programs and Services for Migrants*. These reports highlighted the challenges confronting refugees and

²⁰ Cited in D. Page (1992) “Services to Assist New Settlers: Past, Present and Future” in *Improving Service Delivery to Migrants* (proceedings of a series of conferences held in Sydney, Melbourne, Perth and Hobart), Australian Council of Social Service, Sydney.

humanitarian entrants resettling in Australia, including access to employment, non-recognition of overseas qualifications, English-language classes, the absence of targeted broadcasting services, the need for interpreter services, appropriate health care and affordable housing. Most importantly, these reports provided the basis for a shift away from a focus on “assimilation” and “integration”, which characterised much of post-war immigration policy, towards the notion of multiculturalism as a means for encouraging notions of acceptance and support of new migrants from culturally and linguistically diverse backgrounds within the Australian community.

The Galbally Report, in particular, outlined four core principles upon which the development of settlement services for refugees, humanitarian entrants and other migrants should be based:

- “All members of our society must have equal opportunity to realise their full potential and must have equal access to programs and services.
- “Every person should be able to maintain his or her culture without prejudice or disadvantage and should be encouraged to understand and embrace other cultures.
- “Needs of migrants should, in general, be met by programs and services available to the whole community but special services and programs are necessary at present to ensure equality of access and provision.
- “Services and programs should be designed and operated in full consultation with clients, and self-help should be encouraged as much as possible with a view to helping migrants become self-reliant quickly.”²¹

The Report argued in part for a matching of the mainstreaming of government services for refugee communities with the development of community-specific services that dealt more appropriately with the particular needs of refugees and humanitarian entrants and accounted for the nature of their migration experiences. In addition, there was a distinct rights-based focus to the recommendations, which fits appropriately with the fact that refugees and humanitarian entrants are individuals to whom Australia has international protection obligations.

5.2.2 Development of on-arrival services

In 1979 the recommendations of these reports saw the establishment of migrant hostels as the hub through which on-arrival services could be provided to migrant communities. Further, the Committee for the Allocation of Loan Funds to Refugees in Centres (CALFRIC) enabled refugees to move out of hostels into more stable accommodation through the provision of interest-free home loans. 18,000 refugees had been assisted by CALFRIC by June 1982.²² This program was wound down with the introduction of the Integrated Humanitarian Settlement Strategy (IHSS) in 1997 which ultimately formed the umbrella for settlement service delivery for all refugees and humanitarian entrants.

Also in 1979, the volunteer-driven Community Refugee Settlement Scheme (CRSS) was created and remained in operation well into the 1990s. CRSS was born specifically out of concern regarding the needs of Indo-Chinese and Vietnamese refugees who had begun arriving in Australia but who were not accounted for in the previous Good Neighbour Council program.²³ In the early 1980s Eastern European refugees were included within the remit of the scheme, which was further expanded in the mid-1980s to include all “eligible” refugees. From 1987 onwards SHP entrants were included in the scheme and in 1993 Burmese Special Assistance Category entrants were also included. As with CALFRIC, CRSS began to be phased out in 1997 with the introduction of the IHSS. By 2001 the scheme was completely absorbed and refashioned within the IHSS.

In the mid-1980s the Department of Immigration introduced the On-Arrival Accommodation (OAA) program to begin implementing its commitment to reducing the use of migrant hostels and requiring refugees to live in more self-contained accommodation. OAA provided refugees and

²¹ F. Galbally (1978) *Review of Post-Arrival Programs and Services to Migrants*, AGPS, Canberra, p4.

²² David Cox (1996) *Understanding Australian Settlement Services*, DIMA, Canberra, p.41.

²³ Problems with access and equity within the Good Neighbour Councils for migrants from non-Anglo-Saxon backgrounds were also the impetus for the establishment of ethno-specific services for migrants.

humanitarian entrants with 13 to 26 weeks' housing in government-leased apartments. As such, while the aim of OAA was to move away from hostel-type accommodation, access to stable, government-funded housing meant that these locations formed the new hubs for outreach and service delivery to new arrivals.²⁴ The OAA program was also ended in the mid-1990s.

5.2.3 The IHSS model

The current framework in which on-arrival settlement services are provided is through the Integrated Humanitarian Settlement Strategy (IHSS). Implementation of the IHSS began in 1997 and subsumed all other initial settlement services for new arrivals by 2001. From 2001, IHSS covered the delivery of Initial Information and Orientation Assistance, Accommodation Support, Household Formation Support, Early Health Assessment and Intervention Program (torture and trauma service) and Community Support for Refugees (the volunteer program) during the first six months of a refugee or humanitarian entrant's arrival in Australia. Some measure of guidance for proposers of SHP entrants regarding their obligations vis a vis SHP entrants was also provided through the Proposer Support (PS) service and the Service Support for Proposers (SSP). The IHSS arose out of a 1998 Report by the Auditor-General that noted inconsistencies in the quality of services received by new entrants, a lack of coordination between those services, and an apparently greater focus by the Department on the needs of humanitarian entrants.²⁵ However, the IHSS model was a distinct departure from the grants-based funding offered to community groups, not-for-profit organisations and migrant resource centres on the basis of needs assessed by the Department, towards a purchaser-provider model that used competitive tendering to allow both commercial and not-for-profit organisations to apply for service provision contracts. At present, the services provided for refugee and humanitarian entrants under the IHSS program are accessible by eligible refugees and humanitarian entrants for the first six months after arrival in Australia and consist of: case coordination, information and referrals; on-arrival reception and assistance; accommodation services; and short-term torture and trauma counselling.

It is argued that the IHSS allows for greater certainty for new arrivals about the nature and quality of the services they are entitled to receive and for increased coordination between service providers and aspects of service delivery, as well as between IHSS providers and longer-term settlement services. However, since its inception, questions have been raised consistently by RCOA, its members, independent consultants and community groups as to the capacity of IHSS to be the most effective means for meeting the needs of clients and proposers. These concerns include the following, some of which are treated in greater detail later in this section:

- The use of a competitive tendering model for funding (as opposed to the earlier grants model) that has been linked to adverse pressures on positive and efficient collaboration within the sector, emphasis on lowest cost-per-unit service provision, oscillations between excess and inadequate capacity, and difficulties addressing gaps in service provision that fall outside of the strict terms of contracts.
- The changing nature of the environment in which settlement services are provided that makes their delivery more challenging. This is especially so in areas where governments have withdrawn from the provision of ancillary services that in the past could be relied upon to guarantee a certain level and quality of settlement service, such as standing apartment leases, government-owned accommodation, government-operated specialised migrant employment services, and the like.
- Concerns regarding the Department of Immigration's management of contracts. While the Department has recognised the shortcomings of an inadequate emphasis on qualitative (as opposed to quantitative) measures and has sought to address these for future tender rounds, there remains some concern about the mechanisms for the evaluation of contract bids and ongoing performance management.

²⁴ Maria Dimopoulos and Marian Sheridan (1999) *No Turning Back: Evaluative Study Comparing "Effective Settlement" based on the Experiences of Refugee and Humanitarian Entrants who received Support through Different Settlement Programs during July 1995-December 1997*, South Eastern Region Migrant Resource Centre, Victoria, p.32.

²⁵ DIMA (1998) *Strategic Development of Humanitarian Settlement Services: The Agenda through to 2000.*, DIMA, Canberra

- Difficulty in altering contracts and appropriate means for confirming and addressing potential contract breaches.
- A failure to account for inherent differences in the operation of commercial and not-for-profit organisations within the community sector, in particular concerns regarding impact on cooperation among agencies and the potential contribution of government funds to private sector profit at the expense of improved services for clients.
- The use of a “pay-per-unit” model of funding that encourages the underestimation of costs, failure to provide for the needs of additionally disadvantaged clients with complex settlement needs, cross-subsidisation of programs from outside the IHSS contract, and a reliance on volunteers in some instances to provide core services. This is especially a problem in relation to Australia’s obligations to refugees sought to be resettled precisely because of their vulnerability, such as women at risk.²⁶
- Perceived preference given to lowest-cost service provision when compared with proven experience of high quality service delivery.
- Poor onward referrals and linkages with longer-term settlement services in some contract regions.
- The dropping of the proposer support aspects of the program and the adverse impact this has had on some proposed SHP entrants and their proposers.
- The changing demographic of refugees and humanitarian entrants, as well as research regarding settlement outcomes indicating that the six-month time-limit on the provision of intensive services for some clients may not be adequate.
- Inconsistency in service delivery and quality between contract regions.

There have been some welcome improvements to the program by the Department to address some of the initial teething and basic practical issues that have arisen during the operation of the IHSS. The Department has undertaken internal and external reviews of the program and has consulted with settlement providers regarding changes that were required. IHSS providers have also endeavoured to do their best to make the new structure work for clients, adapting internal planning and sector liaison to the changed service delivery environment. In some contract regions, these efforts have been largely successful. However, the fundamental structural problems outlined above remain and have been raised by refugees and settlement workers during RCOA’s Intake Submission consultations each and every year since 2002 and again featured in this year’s consultations.

5.2.4 Connecting refugees to longer term settlement services

CRSS, OAA, and, in their latter and current incarnation, the IHSS, were (and are) only intended to provide initial, intensive support for refugees and humanitarian entrants. It is clear that following clients’ use of these initial services, there is a need for onward referral to other, longer-term settlement services. In the late 1960s, the Grant-in-Aid (GIA) program was the scheme through which organisations employing professional social workers providing generalist services to migrants could receive core funding. Following the recommendation of the Galbally Report to increase the range of services provided to migrants alongside the positive work achieved under the GIA, the Migrant Project Subsidy Scheme (MPSS) was established in 1979 and was rebadged as the Migrant Access Projects Scheme (MAPS) in 1988. The aim of MPSS/MAPS was to supplement the social work focus of GIA and provide funding for coordination of settlement services, projects and other resources that enabled migrants to address settlement needs. As of 1997, the GIA and MAPS were rolled into the Community Settlement Services Scheme (CSSS).²⁷

²⁶ It should be noted that in some instances, IHSS providers have taken steps to provide paid employment to individuals who would perhaps otherwise be engaged as volunteers in other contract regions.

²⁷ DIMIA (2003) *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, AGPS, Canberra, pp. 218-220.

The CSSS provided grants to organisations that were either worker- or project-based. The worker-based aspects of the scheme allowed flexibility for organisations to respond in a publicly accountable manner to the breadth of general needs of client groups, and was founded on the recognition that assisting with the provision of core needs of settlement service providers would have positive impacts on the provision of core needs for refugee communities. Project funding could be received for minor projects including equipment purchase and major projects such as the delivery of settlement services. Worker-based funding and project funding for equipment purchase under CSSS were abolished in 1999.²⁸

For much of the history of Australia's resettlement program, these services of the MPSS/MAPS and later the CSSS were provided in the main by migrant resource centres (MRCs). MRCs were piloted in 1976 and by 1981 the Department had established 19 centres around the country. Their ethos and operation have been positively acknowledged in a range of reports including the Galbally Report that noted the enabling role that MRCs played in connecting refugees, humanitarian entrants and other migrants with broader Australian society and creating empowered communities. MRCs (and later Migrant Service Agencies (MSAs)) were the "provider of choice" for community programs providing longer-term settlement assistance for refugees and humanitarian entrants until 2001. MRCs and MSAs would supplement the core funding received from the government for the basic services they provided with project specific funding received through the MPSS/MAPS and CSSS.²⁹

5.2.5 The Settlement Grants Program

In 2005 all funding previously provided to MRCs and MSAs as well as through the CSSS was rolled into the Settlement Grants Program (SGP).³⁰ The SGP provides project-specific funding to non-government and local government organisations and other groups already in receipt of funding under the Adult Migrant English Program (AMEP) to implement projects focusing on information, referral and short-term casework services; community capacity building and development; and service planning, development and integration promoting participation and inclusion in Australian society.³¹

Many of the problems associated with the CSSS and SGP have been explored in a range of reports including the 1994 *Blueprint for Refugee Resettlement Services in Australia*,³² the 2002 "Client Survey" on the Effectiveness of DIMIA-Funded Community Settlement Services,³³ the 2003 DIMIA Review of Settlement Services³⁴, and the NSW MRC Forum and Settlement Services Coalition Report to DIMIA on the gaps between IHSS and CSSS.³⁵ In the main, these problems were manageable and arose from general under-resourcing and the poor linkages between on-arrival service provision for refugees and humanitarian entrants and these longer-term services. However, the introduction of the SGP as a replacement for the CSSS did not wholly remove these concerns; rather, in many respects because of associated policy changes – such as cessation of core funding for MRCs and competitive tendering within on-arrival services – what could have been considered practical, implementation problems have become more serious, systemic problems that are impacting adversely on the settlement experiences of clients. These issues have been raised

²⁸ DIMIA (2003) *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, AGPS, Canberra, p. 220.

²⁹ Susan Young, John Schwartzkoff and Joanne Finlay (2002) *A "Client Survey" on the Effectiveness of DIMIA-Funded Community Settlement Services*, Urbis Keys Young, Milsons Point.

³⁰ DIMIA (2005) *Settlement Grants Program: Policy Paper*, DIMIA, Canberra, p. 3.

³¹ DIMIA (2005) *Settlement Grants Program: Policy Paper*, DIMIA, Canberra, p. 5; Department of Immigration and Citizenship (2007) *Australian Immigration Fact Sheet #92: Settlement Grants Program*. National Communications Branch, Department of Immigration and Citizenship (DIAC) <http://www.immi.gov.au/media/fact-sheets/92funding.htm>

³² Refugee Resettlement Working Group (1994) *Refugee Resettlement: Let's get it Right in Australia! A Blueprint for Refugee Resettlement Services in Australia*, RRWG, Sydney.

³³ Susan Young, John Schwartzkoff and Joanne Finlay (2002) *A "Client Survey" on the Effectiveness of DIMIA-Funded Community Settlement Services*, Urbis Keys Young, Milsons Point.

³⁴ DIMIA (2003) *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, AGPS, Canberra.

³⁵ NSW Migrant Resource Centres Forum and Settlement Services Coalition (c2004) *Input to DIMIA about the Settlement Needs of Clients not Falling under IHSS, Clients Exited from IHSS and Clients who Approach CSSS Workers Despite IHSS*, unpublished.

repeatedly in RCOA's consultations with refugees and settlement workers, including in our most recent round of consultations, and include:

- Settlement is a lengthy process and not acknowledged by funding for projects that is often limited to very short periods of time, usually one or two years, thus making it difficult for organisations to promote programs with longer term outcomes.
- While it is more efficient for settlement projects and services to be delivered by organisations, funding for maintaining the basic infrastructure and resources required to sustain these organisations is no longer available and must be consolidated in an ad hoc manner from a range of project-specific funding.
- Competition for grants has had a detrimental impact on the capacity and practicality of collaboration within the sector, particularly as project grants are increasingly relied upon to fund core, operational work.
- Excessive resources are devoted by SGP services in some parts of Australia to identification of and outreach to potential clients when many of these could be accessed through better coordinated onward referrals from IHSS providers.
- In some instances, mainstream services are being relied upon to provide settlement services. SGP funding, for instance, is not available for the provision of employment services to the extent that it is considered mainstream agencies are responsible for these services. While access is theoretically open, the reality is that some of these mainstream services are simply not capable of meeting the needs of some groups effectively, and it is therefore necessary to have client-group-specific service provision.
- Rapidly shifting project priorities within the Department and a requirement for immediate outcomes lead to a preference for funding for pilot projects that do not then go on to receive recurrent funding. This fosters (out of necessity) a quasi-obsession with discerning the project "flavour of the month" and targeting grant applications to match these rather than the actual settlement needs evidenced in refugee communities.
- Little provision for holistic case management services throughout the course of a refugee's engagement with IHSS and SGP providers. This contributes to an increased likelihood of clients with complex needs not being adequately assisted during the early years of their resettlement. In some instances, State government departments have also stepped in to provide funding and operate programs to address needs that should arguably have otherwise been provided through the IHSS and SGP.

To its credit, the Department of Immigration has recognised the significant problems predicted by the community sector that have arisen within the IHSS and SGP in dealing with refugees and humanitarian entrants who present with particularly complex cases. In developing its solution to this concern, however, the Department has been somewhat hamstrung because of the nature and length of the contractual arrangements it has established with IHSS providers. Many in the settlement sector believe that this model and the outcomes of the present tendering process have contributed to these gaps in service provision.

5.2.6 Complex Case Support Network

The Department will be introducing a Complex Case Support Network (CCSN) in July 2008 as an add-on to the existing IHSS scheme. The CCSN is aimed at "providing specialised case management assistance, offering advice and support to settlement service providers and service delivery agencies dealing with humanitarian entrants, supporting and assisting clients in crisis situations, strengthening integration of services across agencies and monitoring access and appropriateness of services available to humanitarian entrants."³⁶ According to the Department, the CCSN model will, through competitive tendering, allow for a range of service providers to obtain a position on one of a series of panels established around the country whose members will

³⁶ DIMIA (2006) *Measures to Improve Settlement Outcomes for Humanitarian Entrants: Discussion Paper October 2006*. Commonwealth of Australia, Canberra, p. 4.

be called upon by Department staff, if and when their services are deemed to be required, to assist with case management of complex cases. While there is undoubtedly a necessity to provide for those accepted through the SHP whose needs are not being adequately catered for by IHSS and SGP, and the CCSN will go some way towards achieving this, there remain serious concerns with the CCSN model being proposed, many of which have already been raised with the Department and again in RCOA's community consultations. These include:

- The relationship with IHSS service providers and the contractual obligations of IHSS providers under the IHSS and vis a vis the CCSN are still yet to be determined.
- Concern regarding the complexity of the referral mechanism that will see settlement workers (or refugees themselves) referring cases for inclusion in the CCSN to the Department who will then refer these individuals into the CCSN.
- A lack of clarity regarding why it should be necessary to involve the Department in assessing complex case needs and appropriate onward referral, when this should fall within the existing purview of the IHSS contracts.
- Concern that rather than streamlining the case management process, the CCSN may in fact augment the complexity of the services to be accessed by vulnerable clients who already experience difficulty negotiating existing services.
- The use of a panel of providers and a failure to set minimum business levels assumes excess capacity on the part of service providers, a situation which is impossible to maintain especially for small, not-for-profit, community-based, specialised settlement service providers. It is these smaller, niche operators that are generally the variety of agencies that are likely to be of most assistance in providing the specialised services required for complex cases. It is worth noting that consternation regarding the lack of service demand guarantees under the first IHSS model led to guarantees being negotiated into the current IHSS round of contracts.
- The lack of a clear articulation as to the exit mechanisms from the CCSN and its relationship with the SGP, especially if the scheme is only intended to provide intensive case support for a few months following arrival.

Given that the CCSN is to be implemented in fewer than six months and that the tender applications will be required to be made early this year, it is imperative that the above concerns are addressed immediately if the program is to be truly effective and avoid compounding the problems that have already arisen under the IHSS.

5.2.7 Proposer Support Network

In late 2007 the federal government introduced additional requirements for individuals seeking to propose entrants under the SHP. These additional proposer requirements include requiring that proposers demonstrate that they have lived in Australia for at least two years, 12 months of which was spent in employment, that proposers participate in a financial counselling program, as well as not exceeding the limit on the numbers of friends and family members they are eligible to propose under the SHP.

While it is recognised that some proposers do face challenges in assisting their SHP entrants to settle in Australia, there has been significant opposition raised to the suggestion that the way to achieve better settlement outcomes is through erecting additional barriers to proposers. In the first instance, the ability to propose family members through the SHP is an important way in which refugees who are newly arrived in Australia can access some form of family reunion. It is thus problematic to limit eligibility for becoming a proposer on the basis that an individual cannot demonstrate that they are well-settled in Australia, when one of the key ways in which sound settlement outcomes are achieved is through family reunion. In addition, the new requirements do not acknowledge the impact that the abolition of the Proposer Support aspect of the early IHSS model has had on refugee resettlement.

Further, the requirements do not deal adequately with the reality noted by settlement workers and refugee communities that some of the refugees and humanitarian entrants who would be least likely to meet the new proposer requirements are the ones who will benefit most from using the SHP to reunite with family members. In particular, children who are proposing their parents, refugees with mental or physical health problems, and the like, will struggle to meet the proposer requirements even with the welcome support of volunteer groups. There is also community concern about the possibility of a limit being placed on the number of individuals a person will be able to propose under the SHP. Given the demographics of proposers, especially those from African communities who tend to be part of larger family groups, any arbitrary limit could require them to pick and choose which family members they would be permitted to support in Australia and which members would need to be left behind.

In a welcome effort to temper some of the more adverse consequences of the new proposer requirements, the Department of Immigration developed the Proposer Support Program (PSP) to become into effect later this year. The aim of the PSP is to limit the numbers of potential proposers who are automatically regarded as ineligible to propose individuals for resettlement under the SHP. The PSP uses volunteers in Proposer Support Groups (PSGs) managed by Proposer Support Coordinators (PSCs) to assist proposers who do not meet the new requirements to be “trained up” to meet those requirements and demonstrate that they otherwise have the requisite capacity to support the entrants they are proposing.

While the PSP model does attempt to use volunteers to overcome some of the real obstacles to successful resettlement that arise *after* a proposer’s entrant has arrived in Australia along the lines of the earlier PS scheme, its successful operation will depend on the effective coordination of volunteers within the program as well as with the work of IHSS providers and their volunteers. The need for proposer support post-arrival may potentially be greater than anticipated under the new model because of the perception that over-estimation of one’s capacity to provide for a new entrant will improve their chances of being accepted for resettlement in Australia. Further, the impact of hefty travel loans on both the financial position of proposers and new entrants as well as the relationship between proposers and the proposed entrants is substantial and must be alleviated in some way. Research by RCOA has demonstrated that proposers need more assistance than simply being connected with potential lenders.³⁷ In addition, the model does not resolve the discrepancy that exists between support for proposers with refugee backgrounds who are able to successfully use the SHP for family reunion purposes and those who must rely on other visa streams – either because of the limit on the number of SHP places available, or difficulty in meeting the SHP application criteria – to reunite with family.³⁸

5.2.8 Translating and Interpreting Service

In addition to the IHSS and SGP (and the soon-to-be implemented CCSN and PSP), refugees and humanitarian entrants have access to the Adult Migrant English Program (AMEP) and the Translating and Interpreting Service (TIS). Due to the crucial role English-language training plays in settlement for refugees, and the link that English-language proficiency has with other aspects of settlement services and achievement of sound settlement outcomes, the AMEP is explored in greater detail in Section 6 of this submission.

³⁷ Annette McKail (forthcoming) *Who Bears the Cost of our Special Humanitarian Program?* Refugee Council of Australia and The Reichstein Foundation, Melbourne. The issue of travel loans is particularly acute not only because of the financial burden it poses to refugees and humanitarian entrants who are attempting to rebuild their lives in a new country, but because the disadvantage it creates is largely hidden. There is a popular perception that refugees in Australia are people the Australian Government has freely “rescued” from horrible situations overseas with the assumption following that these individuals must have had their travel to Australia provided for by the Australian Government. The fact that this is not the case not only belies the notion of an unencumbered rescue from persecution, but creates arbitrary distinctions between refugees who are otherwise in exactly the same situation.

³⁸ The impact on refugees as proposers has been detailed in a number of reports covering various aspects of the requirements over time; see for instance, Angela Jeffs and Susan McCallum (1993) *Losing your Family Twice? How the Assurance of Support affects Family Reunion and Resettlement of Refugees in Australia*. Position Paper, Refugee Council of Australia, Sydney.

TIS provides a limited range of free document translation services to refugees and humanitarian entrants. While this service is vital for refugees for the purposes of accessing employment, enrolling in educational institutions, registering marriages and the birth of children, and obtaining a driver's licence, there have been persistent concerns raised about the operation of the service. These include:

- Refugees and humanitarian entrants being limited to two free document translations. If a refugee has identification documentation from their home country, they are likely to have more than one document that requires translating. Such a low limit on the number of free translations means that refugees have to bear the cost of translating basic documentation.
- TIS refusing to provide full translations of academic transcripts making it difficult for refugees to demonstrate that they have met core requirements or obtain credit when enrolling in educational courses, as well as show that they have the requisite qualifications to employers.
- Reports of incorrect translations of documentation being provided.

Both refugees and settlement workers have argued that precisely because of the facilitative role that possessing valid documentation has in accessing mainstream services, employment and education, and thus ultimately in improving settlement outcomes, it is unnecessarily restrictive to require refugees to choose only two documents they are able to have translated at no charge.

5.2.9 Services for whom and for how long? Mainstreaming and service gaps

Since the introduction of Commonwealth-funded settlement services, there have been distinctions drawn between different classes of refugees and humanitarian entrants which in turn determined their access to support services. For instance, not all refugees or humanitarian entrants were eligible for assistance through the CRSS. Rather they had to be referred into the program and priority was given to entrants who did not have any links in Australia; had links in Australia but had only been living in Australia for fewer than two years; did not have "established community support" in Australia; had experienced torture or trauma; and/or were granted a visa within the Woman at Risk category.³⁹ Even these bases for referral were considered expansive when compared to the earlier eligibility criteria which tended to be restricted on the basis of source country. Previously, referrals into the CRSS were made before an individual refugee or humanitarian entrant arrived in Australia and only in exceptional circumstances were refugees already in the community referred into the scheme.

At present, refugees and humanitarian entrants on the following visas are eligible for the full gamut of IHSS services:

- Subclass 200 – Refugee
- Subclass 201 – In-country special humanitarian
- Subclass 203 – Emergency rescue
- Subclass 204 – Woman at risk

Humanitarian entrants who are proposed by individuals already residing in Australia and who obtain the SHP (subclass 202) visa are only eligible for limited access to IHSS services based on the fact that their proposer has undertaken to personally provide them with IHSS-type services. As noted above, while these distinctions may be well-known to the Department and settlement workers, they are in many ways quite arbitrary when applied to refugees and humanitarian entrants who are fleeing exactly the same situations in their home countries. While there is little doubt that some refugees have very able proposers and may themselves be capable enough not to require external support, settlement is a complex process and access to services not initially envisaged may become necessary at later stages. Although generally agreed that access to settlement services should continue to be granted on a needs basis, all refugees and humanitarian entrants regardless of their visa class should be considered eligible, if only in recognition of the preventative role that external, structured support can play in ensuring both that these new residents do not fall

³⁹ DIMA NSW (1996) *Introduction to the Community Refugee Settlement Scheme (C.R.S.S.) Session Notes*, CRSS Unit, DIMA NSW, Sydney, p. 10.

through the cracks in the early stages of their settlement, and to lessen the potential burden on longer-term migrant and settlement service providers. It would also remove some of the confusion among refugees and inconsistency between service providers that currently exists as to which individuals holding SHP visas are eligible for which services. In addition, it would help address the dangers of power imbalances and potentially exploitative relationships between proposers and entrants that can arise when refugees are dependent on proposers or feel indebted to them for helping secure their resettlement in Australia. This is especially the case for women.

The focus of refugee service provision at present is on the first five years of resettlement in Australia with more intensive services offered in the first six months of arrival through IHSS. While this five-year eligibility criterion seems quite generous, it must be viewed in the context of the length of time services are able to be provided. As the majority of SGP grants are awarded for projects of one to two years duration and are not necessarily renewed, there is no guarantee of consistent support services for refugees over the five years of their eligibility.

The belief that targeted services for refugees should be time-specific, as opposed to being based on the particular needs of the refugees and humanitarian entrants themselves, permeated the CRSS referrals but really has its foundations in a 1988 policy recommended by the then Committee to Advise on Australia's Immigration Policies (CAAIP). The CAAIP proposed that the Department of Immigration should focus on providing services for refugees only during the first two years of settlement in Australia, after which time they should become the responsibility of other government departments.⁴⁰ In 1991, *A National Integrated Settlement Strategy* (NISS) was developed to better coordinate refugee and other migrant service delivery both across Australian Government departments and between tiers of government. For the Department of Immigration's part, there was a commitment by the agency to provide "specialist services" to new arrivals during the early stages of their arrival in Australia and to work and advocate with other agencies within the NISS framework to encourage them to better provide for refugee clients.⁴¹ Under the IHSS and SGP, the reliance on mainstream services is even more marked, with service providers actively prevented from receiving funding for services that are supposed to be provided by mainstream agencies. This can pose problems for refugees exiting from some IHSS services, who may be provided simply with a list of service providers that refugees are expected to contact themselves, and some SGP programs that also focus only on referral or information provision.

While the notion of mainstreaming is theoretically a sound one, it relies on having a situation where other government departments and mainstream service-providers are sensitive to the needs of refugee communities. Despite countless recommendations to that effect, this situation is unfortunately still to be realised. Of course, there are individual refugees and humanitarian entrants who will find that mainstream services are appropriate for their requirements; however, this is not always the case and it is particularly not always the case for all refugees after only six months in Australia. Refugees, especially those with a minimal grasp of English, have reported difficulties negotiating mainstream services that are simply not equipped to deal with their particular needs. Refugees are eager to help themselves but in some instances require a little assistance to do so and are frustrated by the obstacles to obtaining this assistance. More established refugee communities have responded to this gap in service provision by developing their own, informal support organisations; however, these are not funded or otherwise supported by the government agencies, especially if the category of migrant they are assisting covers those who have been living in Australia for more than five years. Even more frustrating for these organisations is the failure by some of the mainstream institutions or service providers who are otherwise required to provide assistance to refugees under contract, to make greater use of the services being willingly provided by these community organisations.

⁴⁰ CAAIP (1988) *Immigration: A Commitment to Australia*, AGPS, Canberra, p. 61.

⁴¹ H. Adelman, A. Borowski, M. Burstein and L. Foster (eds) (1994) *Immigration and Refugee Policy: Australia and Canada Compared*, Vol 2, Melbourne University Press, Melbourne, p.368, cited in DIMA (2003) *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, DIMA, AGPS, Canberra, p. 167.

All refugees and humanitarian entrants have the potential to become self-reliant participants in the broader Australian community, and the vast majority ultimately do just that; however, the belief that this outcome can be achieved within relatively short time-frames and without effective coordination and referral between service providers and across service silos, is misplaced. Settlement support workers and refugees have consistently maintained that individual case management that focuses on qualitative (as opposed to quantitative) indicators of successful settlement is the answer to achieving sustained and sustainable settlement outcomes. Even though the IHSS-SGP model was developed precisely with the aim of removing service gaps and allowing for greater coherence within service provision for refugees and humanitarian entrants through mainstreaming, there continue to be service gaps identified within the programs. Little improvement appears to have been made since this issue was raised in the 2003 *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*, the 2003 *Evaluation of the Integrated Humanitarian Settlement Strategy*,⁴² and every RCOA submission on the SHP to the Department since 2000. To this end, the CCSN is a welcome development; however, this model of case management should not be available for only “exceptional” cases. SGP providers, in particular, have noted repeatedly that failure to provide effective case management, in the first instance by some IHSS providers and later by other services, leads to avoidable problems for many refugees and humanitarian entrants. Refugees have complained that only many years on from their engagement with SGP agencies did they appreciate how disadvantaged they were by the omission by some of these providers to incorporate case management into their service delivery models.

While beyond the purview of this report, it is perhaps necessary to mention the extent to which settlement service provision for refugees and humanitarian entrants is being impacted by the increasing pressure on these services from the families of skilled migrants who have low levels of English proficiency. This is especially the case in parts of Western Australia, Queensland and South Australia where there are growing numbers of section 457 visa-holders working and residing with their families. Officially, the dependents of individuals with 457s should not need to access settlement services because the 457-holder and/or their employer will have undertaken to provide any services required. However, settlement workers are reporting that these assurances of support are clearly not ensuring that services are being appropriately accessed or delivered to this group of migrants. As such, settlement workers are finding that they are drawing on SGP resources to fill this gap because the needs of these individuals are so acute it would be cruel to leave them without assistance.

5.2.10 Volunteers: backbone of settlement service delivery or cost shifting?

CRSS used volunteer groups, coordinated by CRSS Units in each State and Territory, whose out-of-pocket expenses were reimbursed by the Department of Immigration, to provide “personalised support and assistance” to refugees and humanitarian entrants. By 1996 it was assisting about one-third of Humanitarian Program entrants.⁴³ CRSS groups were also eligible to receive grants from the Department to assist with rent, bond, essential furniture, initial food supplies and public transport costs as well as medical and dental expenses.⁴⁴ In the 1990s, a Clothing Reimbursement Scheme was established to supplement the existing CRSS grant. Evaluation of CRSS was conducted by the Department by way of interviews with randomly selected CRSS arrivals.⁴⁵

During the operation of the CRSS, various reviews of volunteer settlement services were conducted with common issues raised repeatedly over the course of more than a decade. In large

⁴² Susan Young, Ania Wilczynski, Brindha Emmanuel, Rohan Pigott, Joanne Finlay and Jessica Smith (2003) *Evaluation of the Integrated Humanitarian Settlement Strategy (IHSS): Report Prepared for the Department of Immigration and Multicultural and Indigenous Affairs*. Ubris Keys Young, Canberra.

⁴³ DIMA NSW (1996) *Introduction to the Community Refugee Settlement Scheme (C.R.S.S.) Session Notes*, CRSS Unit, DIMA NSW, Sydney, p. 8.

⁴⁴ Department of Immigration and Ethnic Affairs (1995) *Community Refugee Settlement Scheme: Partnership through Participation*, DIEA Canberra, p. 23-71.

⁴⁵ DIMA NSW (1996) *Introduction to the Community Refugee Settlement Scheme (C.R.S.S.) Session Notes*, CRSS Unit, DIMA NSW, Sydney, p. 18.

part these recommendations reflected the problems associated with relying on groups of untrained volunteers to provide core services to refugees and humanitarian entrants without adequate institutional support from more established, consistently-funded organisations. For instance, a 1994 internal review by the Department noted the need for the development of national guidelines for use by CRSS volunteers; improved training for volunteers and formal certification for purposes of liaison with other government departments; the use of a standardised orientation checklist; and, most importantly, for the scheme's objective to include volunteers working "in conjunction with other settlement service providers" (in particular Migrant Resource Centres) to try and smooth out inconsistencies in service delivery.⁴⁶

In 1999, RCOA again raised concerns regarding the operation of CRSS in its submission to the Department's *Review of Material Assistance to Humanitarian Program Entrants*. Twenty years on from its inception, RCOA noted that, while many refugees who were not referred into the CRSS were envious of the quality and range of services and support available to those who were included in the scheme, there was a sense that the expectations regarding what CRSS volunteers could provide to refugees and humanitarian entrants had increased dramatically and potentially to a level that was unsustainable. This was identified as arising from the increasing complexity of the settlement service landscape, linked with the Government's decision to increasingly devolve responsibility for service delivery to a range of private and community organisations, and growing awareness of refugee settlement needs. In many respects CRSS groups began to be expected, rather unrealistically given limited time and resources, to act as semi-case managers, linking entrants through referral into the various services. Such developments also coincided with a significantly reduced level of logistical and training support from the Department due to resource restrictions. Complicating this further was the fact that over time many of the CRSS groups began to consist more of people who themselves were recent arrivals, many with refugee backgrounds, who were still struggling with the settlement process.⁴⁷ Further, there was no appropriate vetting process established by the Department to ensure the quality of the volunteers or their general capabilities to provide particular services, especially for entrants with special vulnerabilities, such as women at risk.

In large part, these fundamental concerns over the role of volunteers within service delivery for refugees and humanitarian entrants were never completely resolved, although volunteers continued (and continue) to remain an important part of the provision of settlement services. Volunteers provide a crucial means for refugees to connect with their new communities and facilitate the development of long-term relationships, holistic support and friendship, all components of successful settlement. However, while volunteers are now incorporated within the IHSS programs, their role here is arguably even more pivotal than previously because they represent a means for minimising overall costs for service provision, a key consideration in the move towards competitive tendering and "value-for-money" evaluations. While there is pressure on volunteers to assume greater responsibility within existing IHSS programs, some volunteers and community-based organisations, not party to the IHSS contracts, feel disenfranchised by the way in which volunteers are currently incorporated within the IHSS program. Established grass-roots organisations argue that there is an overly protective attitude on the part of some IHSS providers to allowing their clients to explore support options that may be far more appropriate for a client's needs but nevertheless fall outside of the IHSS' network of providers.

Contrary to popular belief, running an effective and efficient volunteer program that can add value to professional service delivery is not a cheap option. It requires a high degree of coordination, sound assessment of the abilities and suitability of volunteers, appropriate case management, adequate funding to facilitate expenses incurred by volunteers and robust quality control and accountability structures. Nor should volunteer programs be considered a perfect substitute for the professional provision of core services. As was noted in earlier evaluations of the CRSS, the best value from volunteer programs was realised when these schemes received institutional support as

⁴⁶ Settlement Planning and Evaluation Section of the Department of Immigration and Ethnic Affairs (1994) *Review of the Community Refugee Settlement Scheme (CRSS)*, DIEA, Canberra, p. vii-ix.

⁴⁷ RCOA (1999) *Submission to 1999 Review of Material Assistance to Humanitarian Program Entrants*. Unpublished.

part of broader, holistic service provision. These are important considerations given that the Department will be introducing a program heavily reliant on volunteers to replace the former proposer support scheme, expecting that the PSP will dramatically improve the settlement outcomes for both proposers and their new entrants.

5.3 Funding models and contract management

5.3.1 Applying Competition Policy to settlement services

While there have been important changes to the nature, content and manner of delivery of settlement services for refugees and humanitarian entrants in Australia, arguably the single most significant shift in service provision relates to the way in which such services are funded by the Australian Government and the consequent relationship between the Department of Immigration and settlement service providers. With the introduction of National Competition Policy in 1995 as the framework in which all government procurement, policy development and the assessment of cost implications of policy settings was to be conducted, there was a discernible change across all government service sectors regarding the approach to the funding of such services. In the refugee and humanitarian settlement area, this change manifested most markedly in the move away from the use of general grants to service organisations covering core operations and general services that were supplemented by project-specific funding, towards a model of competitive tendering for government contracts to provide specific, discrete services for defined periods on a pay-per-service basis.

Although adopted by the Department of Immigration as a means for improving accountability of service providers and the responsiveness of services to the changing needs of settling communities, this model was heavily resisted by the refugee community sector. International and local experience of the adoption of this model in community development sectors indicated that while it may be appropriate for some aspects of government procurement, it was not a model readily or effectively applicable to the community sector. For refugee resettlement services, there were concerns that these problems would be even more acute on account of the high degree of collaboration among service providers within the sector, the strong role of volunteer support, the complexity of the client base and the nature of settlement as a process the outcomes of which are not often identifiable for years or decades. While initially dismissed as hyperbolic, the apprehensions about the funding approach undermining effective service delivery have proven to have some basis in reality.

In fact, from the consultations RCOA has conducted with the refugee community sector each year since the new funding model was adopted, discussion about its (largely adverse) impact have featured prominently because it has so clearly permeated every aspect of settlement operations. There is thus a compelling argument that any improvements in service delivery, on account of the creative efforts of the Department of Immigration and service providers, have been made in spite of the model, not because of it; and further, the model has created many additional problems arising from features peculiar to its application in the settlement sector. These problems are not esoteric in nature or confined to complaining by settlement workers concerned about the increasing precariousness of their employment (although this is indeed one of the significant effects of the policy change). Rather, they have a direct impact on the settlement services available to and accessible by refugee communities. Even though they often do not have the benefit of historical perspective on settlement service delivery, refugees themselves have identified issues regarding their engagement with service providers that often manifests as confusion and frustration about the competitive, as opposed to collaborative, environment in which service providers have been forced to operate, and the piecemeal, inconsistent nature of service provision.

It must be emphasised that, despite uncomfortableness with the demands of the present model of service provision, settlement agencies and settlement workers have done their best to incorporate the positive aspects of previous programs within the current framework. These efforts have been acknowledged by the Department of Immigration that has attempted, especially in recent times, to respond to criticisms from the sector and, in consultation, modify policies accordingly. While such

efforts are appreciated, the solutions they offer can only ever hope to be partial so long as the fundamental assumptions upon which the service delivery model is based remain unchanged.

5.3.2 Competitive tendering

This is at the crux of problems identified by settlement service providers primarily because it has shaped all service delivery. The ideology behind competitive tendering for service delivery contracts is that it empowers the government to obtain the best “value for money” service provider through comparative assessment of tender applications against specified criteria. It is suggested that this creates a level playing field where all organisations – be they not-for-profit, community based, or for-profit – have the opportunity to compete against each other to win a contract for government service delivery. Interestingly, the most stringent version of competitive tendering in the settlement sector has been introduced in relation to on-arrival settlement services through the IHSS contracts. While competitive tendering is (so far) isolated to the IHSS, its effects are not limited to that program. These effects include:

- Significantly damaging collaboration within the sector. Settlement service providers in Australia have traditionally worked well together to address the complex needs of clients, many of whom require a range and combination of services at different points in their settlement process and benefit substantially from sharing information and skills, open referrals, and joint care plan development. One of the fundamental tenets of competitive tendering, however, is the notion of commercial confidentiality that runs directly counter to ideas of collaboration. While service providers continue to engage in inter-agency fora, they do so in an increasingly guarded manner because divulging operational details could remove their competitive advantage and potentially lead to a loss of service contracts, especially over the time when tender applications are open. This has resulted in avoidable gaps in service delivery emerging.
- Encouraging the development of preferential relationships between service providers to the exclusion of others. Because outcomes and performance under service agreements (and thus funding) are in many ways linked to quantitative measures that are in turn linked to the size of a client base, there are some service providers who guard their clients very closely, actively discouraging these individuals from accessing services that would be appropriate for their needs solely because these services are being provided by organisations viewed as current or future competitors.
- Poor referral processes in some instances that have led to clients failing to access appropriate support. Developing appropriate and effective means for coordinating the transfer of clients from on-arrival services into longer term settlement services has been a perennial challenge. There have been some efforts in recent years to encourage IHSS and SGP providers to better coordinate client referrals; however, in some cases, clients themselves are required to undertake most of the work involved with connecting in with post-IHSS services, an unsatisfactory situation especially for refugees and humanitarian entrants who have only had six months to become acquainted with the settlement service environment.
- Inadequate resources to deal with complex cases. The current IHSS contracts are essentially based on a fee-per-unit model which tends to treat all clients as interchangeable units. However, settlement is a complex process that differs from person to person. While it is true that some refugees and humanitarian migrants may require less intensive support, the reality remains that a large number of entrants *do* require a much greater level of support than what is currently envisaged in the terms of contracts. Consequently, the financial pressures on IHSS contractors make it difficult to provide more than the minimum level of services required by the quantitative indicators stipulated in their contract. Coupled with the impetus to underestimate costs of service provision in an effort to develop a winning bid, this increases the likelihood of clients exiting the IHSS without the level of skills and settlement outcomes claimed. Recognising that some clients require additional or more intensive support, individual IHSS settlement workers report regularly providing additional services to these clients beyond their contractual obligations. Sometimes these

services are provided through cross-subsidisation within the program, but in other instances these services are funded by drawing on money not specifically allocated to cover these costs.

- A disincentive to provide holistic case management. Pressure to provide only a minimum level of services, a lack of impetus to evaluate the longer-term settlement outcomes for clients, commercial confidentiality requirements and diminished cooperation between agencies arising from competitive tendering have all resulted in a failure to tailor settlement services to the needs of refugees and humanitarian entrants during the whole length of their settlement experience. Rather than creating a more efficient system for service provision where refugees are guaranteed the same level of service, the implementation of competitive tendering has created the conditions in which cases are more likely to be dealt with in a piecemeal manner with ongoing needs unmet. This in turn creates longer-term problems, not just for the refugees but for the broader community, the resolution of which is much more costly in personal, social and economic terms when compared with the cost of ensuring a smaller concentration of well-targeted and consistently managed services are developed during the initial stages of settlement. Introducing an additional umbrella scheme such as the CCSN will not necessarily address this problem and may in fact be compromised in its operation because it does not tackle the structural issues that have given rise to the need for such a case support network to exist in the first place. This is also a comparatively more costly solution than simply allowing for existing services to operate within a more collaborative environment.
- Resources diverted to the tender process. Applying for government contracts is a resource intensive process and, for settlement service providers, a devotion of resources to developing a tender necessarily amounts to resources not being allocated to services for refugees. Unless a tender is successful, the tender application process represents a significant sunk cost for providers. In an environment where settlement agencies are only really able to fund their core operations through consolidating a range of project funding, there is a scarcity of resources that can be appropriately used for the drafting of tender applications. Rather than creating a level playing field for service providers, the process privileges larger organisations that might not have the most useful specialist expertise but who can harness the resources to negotiate the tender process.

5.3.3 Use of provider panels

The current model for the CCSN being mooted by the Department involves both the use of competitive tendering and the establishment of provider panels. Service agencies will be required to submit applications to the Department for consideration of their agency being included on a panel of providers from which the Department will invite an individual agency to manage a particular case they consider requires complex case support. Provider panels are ostensibly designed to give the Department flexibility in their purchase of settlement services; however, the CCSN model is a copy of other models of government procurement that are inappropriate to the settlement sector. Panel provision is used by the government in the purchase, for instance, of legal services from the private sector; however, these providers operate in a different corporate environment and deal with services that are qualitatively different from settlement services.

Most notably, panels can only operate effectively in sectors where participants have a wide range of business and do not have to rely on one purchaser for them to remain economically viable. This is because without any indication, let alone guarantee, of a certain level of business, it is impossible to plan resource allocations and staffing levels to respond in a timely manner when called upon by the Department to provide a service. Alternatively, the model relies on panel participants maintaining a constant level of excess capacity – either within each agency or more broadly across the sector – that can be smoothly engaged to respond to the infrequent demands of the Department. This is a situation that is clearly not realistic or even desirable within a sector that provides community services for clients channelled to it through the Department. Therefore, while there could be a large number and diversity of agencies on the CCSN panel at any one time, the overwhelming majority of these agencies are highly unlikely to have the ability to simply scale up or

down their services to respond to the sporadic demand for their services, a situation that has been exacerbated in many cases by the removal of core funding for general operations. This is especially true where the services required are best provided by specialised agencies.

The likely outcome is that smaller agencies in particular will have to merge, grow and diversify or cease operation all together. Larger providers for whom settlement services are a less significant part of their business are likely to have comparatively less expertise to deal with the complex needs of this client group but will, by default, end up providing case support. Rather than expanding the breadth and depth of skills and experience the Department will be able to draw on to address the needs of refugees and humanitarian entrants with complex needs, this field will probably narrow, thus limiting the effectiveness of the program.

5.3.4 Focus on outcomes-based funding

While the SGP has remained free from the general vicissitudes of competitive tendering such as that in the IHSS, the fact that settlement agencies must now rely solely on project funding even for their most basic of operations has meant that service provision is now geared more by the project grants on offer, all of which are considered to be contingent on outcomes. Although there is little disagreement that securing good settlement outcomes should be the focus of all settlement services provided to refugees and humanitarian entrants, there have been recurring concerns raised about the operation of these project grants:

- Time frames for the demonstration of outcomes are far too short. Settlement is a process and good settlement outcomes are the result of a combination of services and experiences that only manifest after many years. However, grants often require applicants to identify outcomes that are quantitatively measurable, rather than associated with qualitative achievements, milestones or confidence levels which are more difficult to measure. Funding is also rarely obtained for projects extending beyond two years, and do not incorporate longer-term follow-up, which makes it even more difficult to base an application on the provision of general settlement services or programs with longer time horizons.
- Experience has tended to indicate that grant applications are more successful if they meet the particular short-term objectives and address the pre-occupations of the Department at any one time. As such, applicants are constantly attempting to distil the “flavour of the month” in the Department – for instance, involvement of law enforcement officers or the incorporation of sporting activities – and using this to shape grant applications rather than allowing for projects to be dictated by the needs of refugees and humanitarian entrants. A high turnover of Department staff and constantly shifting priorities makes successful grant writing an ongoing challenge and gives rise to projects that operate in an isolated manner.
- The focus on short-term outcomes, frequently shifting priorities and a pressure to suggest new, innovative projects have led to the situation where grant applications to run pilot programs may be successful, but face subsequent difficulties achieving ongoing funding and support. Settlement workers and refugees have repeatedly expressed frustration that good project opportunities never seemed to arise more than once, with a growing sense that new, unusual and different projects rather than those with a proven track record of success will be funded.

5.3.5 Removal of funding grants for generalised services and support work

In some senses, settlement workers and refugees would be more comfortable with the existing grants-based model of funding if agencies specialising in refugee service delivery did not have to rely solely on grants to fund their operations. The abolition of core funding for MRCs and funding for settlement workers was based on the notion that the activities undertaken by these agencies and employees were not sufficiently accountable to the government and privileged community-based, not-for-profit agencies over commercial, for-profit operators in settlement service provision. However, over two years on from the removal of core funding for MRCs, many of the anticipated

adverse impacts on service delivery have been realised, in spite of the best efforts of settlement workers to soften these effects:

- General settlement support services that are required by all refugees but at different times have been cut back with agencies required to fit their operations within defined project outlines. This has led to a lack of flexibility in service provision that does not allow settlement agencies embedded in local refugee communities to readily adapt their operations to match the needs of the communities they are assisting. Refugees too must fit within the defined parameters of projects in order to access services, even when their needs may be far more generalist in nature or beyond the scope of those services. Refugees are thus constrained in their choices regarding the services they are able to access.
- Accountability to refugee communities and the broader Australian community is also compromised because funding for operations is limited to the needs and projects the Department assesses as being more viable rather than responding directly and immediately to the needs of client groups as articulated by these groups themselves. The time lag between projects – exacerbated by the length of time it takes to assess grant applications, in some instances more than ten months – further compromises the responsiveness, flexibility and accountability of service provision.
- There is a growing lack of consistency in service provision linked to the manner in which project grants are awarded. This inconsistency is apparent between States, between regional and urban areas and contingent on the types of projects being implemented in any one year; differentials that are noticed by and communicated between refugees around Australia.
- Removal of core operational funding for agencies specialising in settlement services has left these agencies at a distinct disadvantage when competing with other organisations for which settlement services are not the main, or even a significant part, of their business. Agencies such as MRCs must now subsist entirely off project-specific funding, which means that general services which have no choice but to be provided for an organisation to continue to exist, such as general administration, must be cobbled together from various pots of project funding, all of which anticipate a separate administrative function, and thus potentially inflate project costs. Perceptions of “value for money” are thus coloured by this changed operating environment. Many MRCs are finding it difficult to remain economically viable, but are struggling to do so because of the awareness of the vacuum that will be left in community-based service provision that cannot easily be assumed by other agencies or organisations if they were to close down.
- Shifting projects with short time horizons coupled with the removal of a base level of funding has meant that the majority of professional settlement workers have no degree of certainty about their employment situation. Not only has this funding model made it difficult for agencies to make long-term plans about operational focus or development or resource allocation, this precariousness has contributed to high stress levels among staff and difficulties with staff retention. Time lags between grant application and approval also lead to significant resources dedicated to repeated staff recruitment and training.

5.3.6 Tender evaluation and contract management

If a competitive tendering model for government service procurement and provision is to be implemented effectively and efficiently, then it must be underpinned by a robust tender evaluation process and rigorous, ongoing contract management – including quality control. When these models were first floated in the settlement sector, various concerns relating to the Department’s capacity to develop and apply appropriate checks and assessment criteria were raised. It has been a few years after the implementation of these policies and it is now apparent that many of these concerns have been realised.

Perhaps one of the most clear indications of the shortcomings of the tendering process, contract negotiation and performance monitoring, has been the development of such crucial, foreseeable gaps that have necessitated the development of additional programs to fill them. These new programs, however, only provide a bandaid solution and do not address the underlying problems with the manner in which service contracts are developed and managed. Some of the issues raised by the settlement sector that continue to remain relevant include:

- “Value for money” assessments of tenders seem to prioritise cheapest cost-per-unit delivery for minimum services, as opposed to the recognition of more accurate accounting models that submit the actual cost of service delivery and recognise variances in case support required and the associated costs.
- The use of performance indicators that are predominantly quantitative in nature and do not allow for a correct, practical assessment of settlement outcomes.
- Inaccurate and unhelpful use of feedback from clients regarding their satisfaction with service delivery and using this as a basis for assessing performance. Refugees and humanitarian entrants are not consumers of services with perfect information who are able to direct their business to the settlement provider of their choice. Their only experience of settlement service provision is that which they receive in Australia and thus have little, strong basis of comparison between service providers. Many refugees report not knowing how inadequate or sub-standard the services they had received were until they exited the program, had lived in Australia for some time, had talked with many fellow refugees and/or had become settlement workers themselves.
- A failure of tender evaluations to account for the fundamentally different modes of operation between commercial, for-profit agencies and those that are community-based, not-for-profit entities. Historical and contemporary experience both within and beyond the settlement sector has demonstrated the inherent value of community service delivery through agencies embedded in local communities that are accountable to those communities, as opposed to corporate boards accountable to private shareholders who require the generation of profits for their investments to be viable. However, these positive externalities are not recognised in tender assessments.
- The absence of effective, qualitative indicators against which to measure performance under service contracts has resulted in difficulties for the Department establishing breach of contract even when all other measures, including reports of refugee clients and other service providers with whom they have contact, would suggest that settlement services are not being delivered appropriately and/or refugees are not achieving the practical settlement outcomes envisaged by the service contract. Even where such a breach is established, it is often difficult for the Department to determine what the most useful response should be under the contract that won't further disadvantage refugee clients.

It is clear that there are fundamental problems with the way in which competitive tendering and contract management has been implemented within the settlement services sector. It has contributed to service gaps and inflexibility, made holistic and cooperative case management more difficult and diverted scarce resources away from service provision into more bureaucratic processes. In recent times, DIAC has responded to these concerns by engaging more closely with the settlement services sector to develop better models for performance management under contracts and evaluation of tender applications. These consultation processes are valuable and are supported by the Council and settlement agencies generally, as they attempt to create a better regulatory environment in which settlement services can be delivered. However, given that IHSS service contracts and program funding are coming to the end of their terms, rather than relying on additional programs requiring additional funding to address problems in the system, it is perhaps an appropriate time to reconsider funding models.

RCOA recommends that, with the current IHSS contracts due to end in 2010, the Australian Government review the effectiveness of current models of settlement service provision for humanitarian entrants, including the competitive tendering of on-arrival services and the short-term funding of services designed to provide longer-term settlement support.

6. SETTLEMENT ISSUES AND SERVICES

6.1 English language training

6.1.1 Development of English language programs

The Adult Migrant English Program (AMEP) is one of the longest running settlement services in Australia. Originally called the Adult Migrant Education Scheme, it was established in 1948 in response to increasing numbers of migrants arriving in Australia who had little or no proficiency in English. The program has been expanded steadily over the past 60 years. Since the late 1960s, its operation has been driven by the notion that English tuition is a right for new arrivals and as such has warranted codification in both the *Immigration (Education) Act 1971* and the *Migration Act 1958*. English language training has also historically been seen as a service that should respond directly to the needs of new migrants and consist of some measure of outreach through its location in workplaces and community settings, as well as through the provision of associated services such as childcare to assist migrant women whose family responsibilities may limit their willingness and capacity to undertake language training.

At present, all humanitarian entrants over the age of 18 who do not have functional English are eligible to access 510 hours of English tuition; however, they must register for this service within the first three months of their arrival and commence classes within one year to ensure that they do not lose their entitlement to this service. Humanitarian entrants who demonstrate a special need are eligible for additional hours of English tuition under the Special Preparatory Program (SPP) – up to 100 additional hours for humanitarian entrants over 18 years who had difficult pre-migration experiences (e.g. torture and trauma) and up to 400 additional hours for humanitarian entrants aged 16 to 24 who have had seven years or less of formal schooling. Following an increase in funding for migrant English training in the 2007-08 Federal Budget, a further 100 hours of English classes are available to refugees and humanitarian entrants, especially targeted at refugees who are under the age of 25.

AMEP is delivered through various consortia located in each State and territory, often combining commercial and not-for-profit agencies that are contracted by the Department of Immigration on five-year agreements. The current round of AMEP contracts commenced on 1 July 2003 and will conclude on 30 June 2009. As noted earlier in this report, although there is an increasing focus on linking funding for the Department's settlement programs to outcomes, funding under the AMEP contracts is not contingent, as one may anticipate, on the English proficiency outcomes achieved by refugee and humanitarian clients. In relation to English acquisition, the Department has recognised that the diversity of the client base and the pre-arrival experiences of refugees and humanitarian entrants may all impact in unforeseeably but yet significant ways on the capacity of clients to achieve similar outcomes. As such, funding is linked to enrolment and retention figures. In addition to formal classes, the AMEP as it operates in some States also includes provision for Home Tutor schemes and distance education.

Once refugees and humanitarian entrants have completed their AMEP hours, they may still be eligible for other federally-funded programs such as the Language, Literacy and Numeracy Program (LLNP) that operates through the Commonwealth Department of Education, Employment and Workplace Relations (DEEWR) (formerly the Department of Education, Science and Technology (DEST)). The LLNP is linked to Centrelink and the Job Network and can provide participants with up to 800 hours of training.

Apart from AMEP and LLNP, which are provided through the Federal Government, refugees and humanitarian entrants who are of school age can access State Government English programs provided through the public primary and secondary school systems. The Intensive English Centres (IECs) located within mainstream public high schools and Intensive English High Schools (IEHSs) that are specialised public educational institutions are operated through State Departments of Education. Students wishing to access these programs are required to enrol within the first six

months of their arrival in Australia with the intention that successful completion of the IEC/IEHS programs within 12 months of enrolment will enable students to enter the mainstream school system. Students who have had fewer than three years formal schooling before arriving in Australia are able to remain in IECs/IEHSs for longer. Young people aged between 16 and 18 who are unable to access IECs or IEHSs may be eligible to receive AMEP training if they register with the program before they turn 18.

6.1.2 Concerns with program structure and delivery

The AMEP has undergone significant changes in its operations since it was first introduced. Most of these developments have occurred in an effort to improve access for and retention of clients. This focus is perhaps unsurprising given the link between funding allocations and these indicators; however, it is also based on a belief in a relatively uncomplicated and direct relationship between facilitating access to English classes and better English proficiency outcomes. Accordingly, increases in the hours of training available, the provision of free childcare and the incorporation of home tuition schemes have all been adopted in response to concerns that the program was not delivering on its promises for clients.

While it is generally true that the greater the number of hours of English tuition the greater the propensity for a person with little or no English to master the language, there are a range of complicating factors for refugees and humanitarian entrants that means that this equation is not that simple. Rather a more efficient use of the currently allocated hours and the operation of the AMEP in general is required to ensure better outcomes. Although many of these criticisms have been raised by RCOA over a number of years, they have only really been sought to be addressed through expanding the program. Yet there remains something rather counter-intuitive about the fact that, while many refugees and humanitarian entrants arriving in Australia are fluent in at least two other languages if not four or five (some of which they have been forced to learn later in life because of the protracted nature and frequency of their displacement), they are still struggling with grasping even the most basic level of conversational English after exiting from the AMEP.

Problems associated with paths to English-language acquisition are universally assessed by refugees as posing some of the most significant barriers to their successful settlement in Australia. Given the importance both they and the Federal Government place on English skills, refugees also express frustration at what they see as systemic failures within the AMEP that compromise their capacity to attain these skills. These shortcomings include:

- The rigidity of enrolment time limits for new arrivals. Refugees and humanitarian entrants maintain that it is not always possible to enrol in English classes within the first three months after arriving in Australia. This is especially so for women who disproportionately bear the burden of family responsibilities and thus do not see taking steps towards formal language acquisition as an immediate priority. While it is possible for enrolment to be deferred at the Department of Immigration's discretion, it remains the case that individuals who would perhaps benefit the most from being able to access formal language education can be cut out of this valuable service primarily because their vulnerability means they need to take care of more pressing concerns that do not leave time to attend classes. The Department has argued that the enrolment requirements are necessary because they send a signal to new arrivals of the importance of obtaining language skills. However, refugees and humanitarian entrants do not need to be convinced of the importance of being able to communicate in the local language – their lived experiences of settlement provide them with more than enough evidence as to just how crucial English skills are in achieving a level of socio-economic well-being as well as assisting fellow family members to settle successfully in Australia. Moreover, the rigid enrolment requirements affect a subsection of refugees who, without access to government-provided English classes, are among the most unlikely to be able to access alternative language tuition.
- A disjuncture between the priority the Department of Immigration places on attending AMEP classes and the requirements of agencies such as Centrelink and Job Network providers. Many refugees have reported that their obligations relating to the continued

receipt of income support payments and participation in the Job Network have led to them needing to discontinue language classes well before they have completed their minimum requirements or even attained a satisfactory level of English. Refugees report a lack of appreciation by Job Network providers of the strict enrolment and participation requirements of the AMEP. AMEP providers have also experienced difficulty convincing students that they should persist with English classes when it is a challenge to fit these classes in between paid work obligations.

- Difficulties accommodating language classes within demanding paid work schedules. In addition to pressures refugees and humanitarian entrants may feel about their obligations within the Job Network, personal emphasis on obtaining and maintaining paid employment, often in occupations with long, atypical business hours, makes consistent attendance at English classes almost impossible to sustain. Deferral is often difficult or not an option with many new arrivals tending to drop out of classes and frequently unable to re-enter AMEP at a later date.
- The absence of a readily-accessible, comprehensive database on English as a Second Language service providers. There is a plethora of federal, state, commercial, community-based and volunteer-operated English tuition programs that are potentially accessible by refugees and humanitarian entrants; however, there is a distinct lack of a centralised source of information on the programs and schemes that could be of use for new arrivals. In addition, many of these programs are also not linked in with the other settlement services refugees may be accessing at any one time.
- Inflexibility of course delivery and content. While many AMEP providers are constantly working to better match their courses with the needs of their clients, refugees report that the inappropriateness of the mode of course delivery, as well as the hours and the focus of classes, have led to them feeling that English is not being taught to them in the most efficient or effective way possible. Refugees struggle to understand why there is not, in their view, a greater practical focus within English lessons, geared more towards conversational language skills that can be used in immediate communication and mastered within the requisite hours, rather than an approach that may be more comprehensive but ultimately requires a degree of application not possible within the limited hours available. This is an even more acute concern for those refugees well over 18 who have no experience of Western forms of formal schooling, which is the predominant manner in which AMEP classes are presented.
- English skills delivered in a decontextualised environment. Many refugees feel the pressure to grasp common English parlance given their new home, but do not consider AMEP to be providing them with the skills necessary to attain even this basic level of competency. Again, it is often suggested that the formal, classroom environment, complete with traditional ESL-type curricula, may not be the most appropriate or effective way for refugees, who may themselves be pre-literate in their mother tongue, to attain a level of English that they believe will be the most useful for everyday life in Australia. To that end, many refugees find that the home tutoring scheme or the more informal classes run by community organisations with volunteer presenters are more conducive to achieving English competency outcomes with which they are comfortable. At the other end of the spectrum, refugees and humanitarian entrants who already have some degree of English proficiency or are at an age and aptitude where they can acquire these skills more rapidly, feel frustrated by formal English classes that focus more on the structural aspects of English rather than the more specialised language that is required for the professional workplace or to access higher education. Some of these courses do exist within the LLNP operated through DEEWR, although not all refugees and humanitarian entrants have been able to access these courses.
- Difficulties experienced with other aspects of the settlement process impacting adversely on an entrant's capacity to participate fruitfully in English classes. Just as a new entrant's level of English invariably has a direct relationship with their capacity to access housing, employment, appropriate health care, broader community networks and even other

settlement services, so too does capacity to access these elements of the settlement process impact on migrants' ability to fully avail themselves of English training opportunities. As refugees and humanitarian entrants find it increasingly difficult to access affordable and stable housing close to amenities and to secure fulfilling work during reasonable hours readily accessible by public transport, the likelihood that attendance at English classes will be de-prioritised is also increased. Unlike having a roof over one's head or earning enough money to feed one's family, English proficiency is not necessarily considered a matter of immediate importance. Even if a refugee or humanitarian entrant is continuing to attend classes while coping with numerous other pressures, he or she often finds that it is simply too difficult to obtain maximum utility from the courses attended.

6.1.3 Young refugees and English skills training

In addition to the general shortcomings of the AMEP, young refugees face challenges to English language acquisition and general educational outcomes that are specific to their settlement experiences as young people. These problems have been canvassed in a number of studies, most recently in a report by the Victorian-based Refugee Education Partnership Project entitled *The Education Needs of Young Refugees in Victoria*.⁴⁸ The issues raised in this report are reflective of the concerns young refugees have expressed in consultations with RCOA over time and include:

- A profound difficulty in transitioning between life in a protracted refugee situation – that may have given rise to torture, trauma and chronic health problems – and an Australian school environment.
- The inappropriateness of placing refugee children in classes to match their chronological age as opposed to their actual level of educational attainment.
- Difficulty in adjusting to formal education when there is no experience of such an education environment in a child's home country.
- Pressure to enter employment and earn money to support themselves (if an unaccompanied minor) or to assist their family rather than finish school.
- Under-resourced local public schools that are unable to effectively accommodate the needs of refugee children.
- Difficult home environments where family members are also experiencing difficulties coping with resettlement in Australia and are thus not in a position to provide effective support for a child in school.
- Pressure to assist older family members with settlement needs because of a comparatively superior (albeit still minimal) grasp of English.
- Discrimination and racism both within and beyond the school environment that can work to discourage refugee children from persisting with education.
- Refugee children of primary school age are not permitted access to IECs or specialist intensive English schools; they must rely on overstretched ESL resources within their class.

Despite these problems, many refugee children perform remarkably well and have the potential to attain the same levels of educational achievement as other migrant children and/or children born in Australia. However, these outcomes are not achieved simply through directing additional resources at existing programs working in isolation from one another. Rather, developing whole-of-sector approaches across educational institutions at all levels – settlement services, State and federal government departments and community outreach programs – to better coordinate and target educational opportunities and resources, appears to offer the best means for assisting refugee children to avail themselves of the chance to realise the personal, family and community benefits of a sound education.

⁴⁸ Refugee Education Partnership Project, Foundation House, Peter Kellock, et. al (2007) *The Education Needs of Young Refugees in Victoria*, Victorian Foundation for the Survivors of Torture Inc., Melbourne.

6.1.4 Initiatives to improve English training and education support

The problems outlined above are relatively long-standing ones and have been raised consistently by refugees and service providers. While the AMEP has been modified over time to respond to some of these concerns, most of these changes have not focused heavily enough on ensuring better educational outcomes for refugees and humanitarian entrants but rather the quantitative indicators of increased hours of instruction and retention rates. As such, refugees and community organisations have spearheaded their own programs to fill the gaps left by existing migrant education schemes. These include:

- Conversational English groups run by volunteers outside of AMEP that link other life skills, such as obtaining a driver's licence, with language acquisition.
- Volunteer English programs that are provided within or linked closely with employment environments in which a significant numbers of refugees are based.
- After school homework programs that provide more intensive assistance for children to enable them to keep up with the pace of their peers.
- Home tutoring schemes for children that enable tutors to provide incidental assistance for family members.
- Volunteer programs that link vocational skills training with language acquisition.
- Developing Integrated Service Centres (ISCs) that use schools as hubs for co-locating a range of settlement services and enabling outreach to humanitarian entrant children and their families.

Ultimately, the success of these programs is not based so much on the *quantity* of English training and educational support provided (although it is definitely acknowledged that this is an important element of attaining English proficiency). Rather, these programs make more targeted and coordinated use of resources in a more intensive manner where necessary, acknowledging the role that English acquisition plays in the overall settlement process. While these programs are cognisant the difficulties confronting refugees commencing English training, they also do not shy away from using educational outcomes as the measure of their success.

6.1.5 Options for greater flexibility in AMEP

With current AMEP and Job Network contracts due to expire in June 2009, the new Australian Government has the opportunity to review English language services for humanitarian entrants in the light of its focus on social inclusion and to explore better links between AMEP and Job Network. In July 2007, the then Shadow Minister for Immigration, Integration and Citizenship, Mr Tony Burke, outlined a four-part plan for improving AMEP and its links to job readiness programs:

- Traineeships in English and Work Readiness, allowing new entrants to continue their English language tuition while developing knowledge, skills and experience in Australian workplace culture and practices.
- Increasing emphasis on vocational English within AMEP.
- Requiring in the next tender round that each AMEP provider have a strong working a relationship with a Job Network provider.
- Introducing a new Employment Pathways Program, where extra English language tuition hours would be allocated to those students most in need.

Mr Burke committed an ALP Government to spending \$49.2 million on these initiatives. RCOA believes these proposals are excellent and deserve further examining.

From our consultations for this submission, it was clear that current and previous AMEP students have much useful feedback on how the program can be improved to meet the varying needs of humanitarian entrants. It is vital that government decision-makers reviewing options for AMEP and organisations intending to put forward AMEP tenders directly involve current and previous AMEP students in suggesting new approaches and commenting on proposals for change.

RCOA recommends that the Australian Government act on the commitment made in Opposition to increase funding for AMEP, to allow greater flexibility in program delivery and to improve links between language learning and employment.

6.2 Rural and regional settlement

In 2005 the Department of Immigration began a rural resettlement pilot in Shepparton, Victoria. Ten Congolese families were directly settled in this town instead of the usual practice of settling refugees into larger (usually capital) cities. This pilot marked the beginning of an ongoing process of identifying appropriate rural and regional centres and resettling unlinked offshore refugees. It was also placed within a broader policy to encourage refugees and humanitarian entrants to settle in rural and regional areas. In the past year, the regional resettlement strategy has been expanded to Ballarat in Victoria and Mt Gambier in South Australia.

Prior to the Shepparton pilot, humanitarian settlement in rural and regional Australia occurred through either secondary migration or through proposers in regional areas sponsoring SHP entrants. Secondary movement tended to occur as part of local initiatives, usually in relation to employment opportunities or, as has recently been the case in the Gippsland region of Victoria, to access affordable accommodation.

In previous submissions RCOA has outlined key social infrastructure and supports that should be in place prior to direct settlement of refugees to rural and regional areas. The slowness in identifying appropriate regional areas and planning for resettlement indicates that this is not a simple process. While the evaluation of the Shepparton pilot reported some positive results, it is still too early to predict long-term settlement outcomes. It is encouraging though, to see that the department is not rushing into direct regional settlement and is approaching it as a long-term program. There are a number of advantages to regional resettlement and, despite some service gaps, anecdotal evidence seems to suggest that refugees settling in rural areas are more likely to be linked in to supports than refugees settling in the larger more anonymous cities and that problems are more likely to be identified early.

With unplanned secondary migration and sponsorship it is much harder to ensure that appropriate services and supports are in place. Annual planning for the Settlement Grants Program and fixed contracts under the IHSS make it difficult to respond quickly and flexibly to movements of humanitarian entrants. RCOA welcomes the move by the Department to use data supplied by Medicare which is more up to date and likely to reflect secondary movements; however, there needs to be a contingency in place to respond to these movements in between grant rounds.

Also the current service models do not have the capacity to respond to small numbers of people. This is of particular concern where SHP entrants are being sponsored by people in rural areas where there are currently no or very few members of their community. As has been noted, proposers often find it difficult to provide the level of support that SHP entrants require and this is further compounded in rural or regional areas that lack specialised services and have existing primary service gaps. It is therefore important to ensure that in these situations the necessary supports are in place prior to granting a visa.

RCOA recommends that a fund be established that can be used to enable IHSS or other regional services to expand flexibly in a timely manner to meet the needs of larger fluxes of secondary migration of humanitarian entrants.

6.3 Refugee health

6.3.1 Health assessments and on arrival care

All humanitarian entrants undergo an offshore health assessment as part of their visa application, prior to arriving in Australia. This assessment is to determine whether they meet the health

requirement and may result in a visa being refused. In addition, the Department has been phasing in, since 2005, pre-departure health checks conducted approximately three days prior to departure. This is designed to pick up any health concerns that may not have been apparent at the time of the initial assessment and to ensure that entrants are fit to fly. Since 2004, the Department of Immigration has covered the costs of all pre-departure health screenings. Prior to this, SHP entrants or their proposers were required to pay any costs associated with the health assessment.

Humanitarian entrants may have the health requirement waived; however, in the past the waiver has been used infrequently. While there does seem to be a recent increase in its use, there are still reports of very vulnerable cases being excluded based on the health requirement. RCOA has advocated for many years that the waiver be used in cases where families are at risk of being separated or where an entire family is at risk of being refused based on the health or disability of one family member. The humanitarian program should always be focused on assisting those most in need and often they are people who are vulnerable due to illness or disability.

Refugees not excluded on health grounds, that are found to have an illness that requires treatment in Australia are required to sign a "health undertaking". This is an agreement that they will undertake treatment once they arrive in Australia. RCOA has emphasised the need for better communication protocols and information transfer between offshore health checks and IHSS providers to ensure that any health concerns identified pre-departure can be addressed with the assistance of the IHSS once in Australia. Services have identified improvements in this area; however, there are still concerns about access to health assessments conducted in Australia.

For several years, RCOA has been advocating for a comprehensive health assessment for all humanitarian entrants as soon as practicable after arrival. In May 2006, the Australian Government introduced a new Medicare item encouraging GPs to provide a comprehensive health assessment of refugees and humanitarian entrants within 12 months of arrival or visa grant.⁴⁹ In conjunction with this, the IHSS tender requires IHSS providers to give all entrants the opportunity to have a complete physical assessment by a medical practitioner. This should ensure that all refugees receive an adequate response to their health needs; however, there are two considerable problems with the current system.

First, not all humanitarian entrants have full access to IHSS services. SHP entrants have only limited access and it is likely that in some cases SHP entrants are not receiving assistance to arrange a doctor's appointment for an assessment. TPV and THV holders are not eligible for settlement services other than torture and trauma services. These services do facilitate health care where necessary. However, there is no overarching strategy to ensure that all humanitarian entrants are receiving a comprehensive health assessment after arrival.

Second, as was highlighted in last year's submission, there are significant problems regarding access to GPs for refugee and humanitarian entrants. These problems include:

- lack of GPs, especially those prepared to bulk bill (particularly in rural and regional areas);
- reluctance by some GPs to provide services to humanitarian entrants;
- lack of familiarity by refugees of appointment systems; and
- lack of understanding by refugees of preventative health and reluctance to see a GP unless ill.

When GPs are willing to provide a service, many lack cultural sensitivity, are unwilling to use interpreters and are unfamiliar with endemic illness in refugee producing countries. This is further exacerbated by the failure of the Pharmaceutical Benefits Scheme to keep up to date with drugs needed to fight common tropical diseases and medical conditions specific to refugee communities.

There is a need for specialist refugee health services that are able to deliver consistent and culturally appropriate health assessments soon after arrival. The problem of ensuring that all humanitarian entrants are referred to these services could be solved by providing better access to

⁴⁹ DIMIA (2005) *Annual Report, 2004-2005*, DIMIA, Canberra.

the IHSS services for SHP entrants. Onshore protection applicants must undergo a health screening by Health Services Australia as part of their visa application. This is a one-off assessment for visa purposes and, as such, no referrals or management plans are made for those identified with health problems. A referral from Health Services Australia to a specialist refugee health service would ensure that all onshore refugees are linked in to the health care system and that all asylum seekers receive adequate health care as is our international obligation.

RCOA recommends that:

- ***the Australian Government commit funding and work collaboratively with State and Territory governments to ensure that each State and Territory has an effective strategy for health service provision for newly arrived refugees and humanitarian entrants, including health clinics or networks to meet on-arrival health needs; and***
- ***the Department of Immigration work collaboratively with each IHSS contractor to ensure a minimum level of health support for all new humanitarian entrants.***

6.3.2 Ongoing health care

Over the years RCOA has also reported a number of concerns in regards to the following areas of health:

- child health and immunisations;
- dental services;
- sexual and reproductive health;
- preventative health; and
- mental health, including the impact of torture and trauma

There is a need for a whole-of-government strategy to address the health requirements of refugees. Any specific refugee health services would need to have a role in assisting refugees in the transition to mainstream services. This would involve working closely with State and territory government health services to ensure that services are accessible to all refugees.

Some State Governments have been particularly proactive in addressing the health needs of refugees. The Victorian Government's Department of Human Services released its *Refugee Health and Wellbeing Action Plan* in October 2005. As well as bringing together existing services for refugees, it also included a Refugee Health Nurse program and funding for a Refugee Mental Health Clinic. Other important State initiatives include the Refugee Health Service in NSW and the development of a state-wide Refugee Health Service in Queensland. There is an opportunity for the Australian Government to use these initiatives as examples to encourage other States and Territories to develop more targeted health responses to refugees and asylum seekers.

6.3.3 Onshore refugees

The health requirements of onshore refugees have been exacerbated by punitive government policy over the past 10 years that have included long-term and remote detention, Temporary Protection Visas (TPV) and Temporary Humanitarian Visas (THV) that deny refugees family reunion and settlement services and the denial of work rights and healthcare to some asylum seekers. The impact of these policies has been well documented and it is predicted that the long-term health legacy will become more apparent in the coming years.

The new government has committed to removing the TPV/THV policy and dismantling the offshore detention centres. RCOA continues to advocate also for detention to be used only as a last resort and for all asylum seekers to be given the right to work and access to Medicare. Asylum seekers currently have varied access to health service across States. In many cases there is a lack of clarity about the services available to Medicare ineligible asylum seekers. Victoria has led the way in this area by providing free access to public hospitals, the Community Dental Program and

ambulance services to all Medicare-ineligible asylum seekers.⁵⁰ Similar initiatives should be encouraged in other States and Territories, so that access is clear and consistent across Australia.

While changing the existing policies is crucial, there is a need for funding to specifically address the health problems that have resulted from these policies. Funding needs to be allocated to projects and supports that target the specific physical and mental health needs of former TPV/THV holders and former detainees. In addressing some of these concerns, there is a need to look beyond traditional healthcare responses.

One of the significant causes of stress and depression amongst former TPV holders is reuniting with family. Despite assurances that these cases would be priorities, RCOA has heard of many cases being delayed by more than a year. This is particularly distressing for former TPV holders who have already been separated from their spouses and children for many years. It is imperative that former TPV split family cases are seriously prioritised.

In last year's submission, RCOA drew attention to the potential difficulties that former TPV holders and their families may face when living as a family unit again after so many years of separation. Assistance is needed to ensure that these families receive the level of support needed so that they can move forward as a family. This may require projects to counter isolation, ensure that children are supported in schooling and provide counselling and mediation to support families through a difficult transition.

⁵⁰ Victorian Department of Human Services (2006) *Refugee Health and Well Being Action Plan 2005-2008 Progress Report*, VDHS, Melbourne.

7. HOUSING

7.1 Introduction – Refugees and the housing market

7.1.1 Historical overview of refugee housing

Migrant hostels were the primary form of accommodation for refugees as well as other assisted migrants up until the late 1970s. In 1979 there was an acknowledgement that more tailored support was needed for humanitarian entrants. A network of volunteers under the Community Refugee Settlement Scheme (CRSS) was established to provide basic settlement support including assistance into private accommodation. The CRSS was accompanied by an interest-free home loan scheme to assist humanitarian entrants with initial housing costs, known as the Committee for the Allocation of Loan Funds to Refugees in Centres (CALFRIC). By June 1982, 18,000 refugees had been assisted by CALFRIC to move out of hostels into more stable accommodation.⁵¹

By 1986 there had been a shift away from migrant hostels towards self-contained accommodation. A review of services that same year resulted in the establishment of On Arrival Accommodation (OAA) for humanitarian entrants which provided self-contained, self-catering units that were co-located with services. OAA provided refugees with 13 weeks of subsidised accommodation. The first week was free and the subsequent weeks were charged at 30% of benefits, slightly higher than the average public housing rent at that time. One advantage of this model was that refugee communities were able to live closely together for the first few months in Australia and many former refugees look back fondly at the support and companionship that they found in this form of accommodation.

With the introduction of the IHSS in the late 1990s, the Department of Immigration started to dismantle the OAA program and began shifting towards accommodation assistance to support humanitarian entrants to move directly into long-term accommodation. This move occurred at a time when public housing was increasingly overstretched and oriented towards more restrictive priority allocation systems.⁵² The cost of home ownership was also on the increase and this was, in turn, placing greater pressure on the private rental market. These market factors contributed to a reduction in declining housing options for humanitarian entrants.

Under the current IHSS scheme, the majority of providers assist refugees into immediate accommodation that is located in the private rental market. In most cases housing is sought prior to the arrival date so that the refugees can move in straight away. Upon arrival, most new arrivals appear to be signing up to either six or 12 month leases. In some areas, head leasing arrangements are in place between IHSS providers and landlords for the first six months, which allows refugee entrants to establish themselves a little, prior to committing to a lease. It also allows the IHSS provider the flexibility to move families to other properties if initial housing proves unsuitable. There are also some IHSS providers who continue to have some form of on-arrival accommodation for refugees and their families for the first few months after arrival until private rental accommodation can be secured.

7.1.2 Public and Community Housing

Public and community housing in most States and Territories has been in decline since the mid 1990s. Since then the expenditure through the Commonwealth-State Housing Agreement (CSHA) has decreased in real terms by 30% and there has been an overall reduction in the amount of stock.⁵³ All State and Territory housing authorities are running at a stock deficit or with only a marginal surplus. The lack of affordable housing in other sectors has increased the demand on

⁵¹ David Cox (1996) *Understanding Australian Settlement Services*, DIMA, Canberra, p.41.

⁵² J. Hall and M. Berry (2007) *Public Housing: Shifting Client Profiles and Public Housing Revenue*, AHURI, Melbourne.

⁵³ Productivity Commission (2006) *Report on Government Services 2006*, AGPS, Canberra, p. 16.12

public housing and most States and Territories have responded by introducing some form of priority housing.

Public housing has thus moved closer to a residual welfare model of housing delivery where only those most in need can access housing. Those receiving public housing tend to be those whose sole income is a benefit or pension and who have non-housing related problems that require support. Most housing authorities have long waiting lists even for priority housing.

Criteria for priority housing varies across Australia; however, only a small number of humanitarian entrants are likely to meet the requirements. NSW is the only State that specifies torture and trauma as an “at risk factor” within the priority housing criteria.⁵⁴ In some States, humanitarian entrants are able to access public housing in regional areas or in the public housing estates least attractive to other tenants. For most, however, public or community housing is not an option. Some settlement providers in the consultations for this submission expressed reluctance to even assist humanitarian entrants in making applications because of a lack of success with previous applications, pessimistic attitudes about the prospect of positive outcomes and/or because of concerns about the stigma associated with government housing.

7.1.3 Home ownership

Across Australia home ownership has become less attainable over the past decade. Since 2000, housing prices have increased to the extent that the gap between house prices and household incomes is at its greatest.⁵⁵ The rapid increase in house prices can be attributed to low interest rates and the increasing availability of mortgage finance. At the end of 2007, the only State capital with a median house price of under \$400,000 was Hobart.⁵⁶ Average monthly repayments on new home loans increased from \$1297 in the September quarter of 2003-04 to \$1949 in the September quarter of 2007-08.⁵⁷

Unemployment and underemployment are significant problems within refugee communities, particularly those who are newly arrived. Even humanitarian entrants with skills and qualifications needed in Australia, will often find it difficult to find employment. It is unlikely that home ownership will become an option for humanitarian entrants until they have been in Australia for many years. (For a more extensive analysis of employment issues for refugees and humanitarian entrants, see Section 8 of this report.)

7.1.4 Private rental accommodation

In all capital cities, vacancy rates in the private rental market are at an all time low. In some states the vacancy rates in 2007 fell below 1%. While the market remains tight, rents continue to increase. The low-cost end of the market usually endures the greatest amount of pressure. If vacancy rates across the board are low, then they will be at their lowest at this end of the market.

The high cost of home ownership has also resulted in many would be purchasers remaining in the private rental sector. There is evidence to suggest that higher income earners are actually displacing lower income earners from affordable rental accommodation. A study in 2004 estimated that only 40% of low rent stock was occupied by low income households.⁵⁸ Many potential home buyers will “trade down” in private rental while they save for their home.

⁵⁴ NSW Dept of Housing (2006) *Priority Housing Policy*, available at www.housing.nsw.gov.au/Policies+and+Fact+Sheets/Policies/Priority+Housing+ALL0040A.htm

⁵⁵ Yates, J et al (2007) *Housing Affordability: A 21st Century Problem*, AHURI, Melbourne

⁵⁶ Australian Property Monitors (2008) *Official December 2007 Quarter Housing Data*, Available: http://www.homepriceguide.com.au/media_release/APM_HousePriceSeries_DecQ07.pdf

⁵⁷ Parliament of Australia (2007) *Monthly Economic and Social Indicators, October, 2007*, AGPS, Canberra.

⁵⁸ Yates, Wulff & Reynolds (2004) *Changes in the supply of and need for low rent dwellings in the private rental market*, AHURI, Melbourne.

This same study also reported that the low rent segments of the market were in steady decline, particularly in Sydney and Melbourne. Most affordable private rental accommodation tends to be in regional areas or on the fringe of urban centres. There is also anecdotal evidence to suggest that the recent changes to superannuation policy may have resulted in loss of low cost rental stock, as some landlords sell their properties in favour of other investments.

For most new humanitarian entrants the private rental market has become the only available option. The following section will look at a range of issues and concerns that humanitarian entrants have seeking stable housing, with a focus predominantly on the private rental market.

7.2 Housing affordability

As previously mentioned, the private rental market is experiencing significantly low vacancy rates in all capital cities and many regional areas. While rental costs may not have increased at the rate of rising housing prices, they have still continued to rise at a rapid pace. Lack of affordable housing was reported as a significant issue for humanitarian entrants in all locations where consultations occurred. In some cases the cost of housing prevented humanitarian entrants from accessing bond assistance because they were unable to find housing at less than 50% of their income. On the following page, we have compared entry-level rental accommodation prices in each capital city with Centrelink benefits for different household types.

Many humanitarian entrants find themselves in housing stress.⁵⁹ This is usually further compounded by a number of other factors specific to humanitarian entrants that impact on their financial situation. These include:

- arriving in Australia with little or no financial resources;
- owing money overseas for pre-arrival expenses such as warmer clothes, transport or accommodation;
- for SHP entrants, inheriting a debt for the cost of their airfares to Australia; and/or
- sending a significant proportion of income to loved ones left behind in camps or countries of first asylum.

These issues, combined with a lack of familiarity with living costs and budgeting can result in new entrants experiencing severe poverty in their first years in Australia.

Affordable housing is especially difficult for single person households to obtain because the proportion of rent to income is significantly higher within these households. In the past this was particularly a problem for students on Austudy who were ineligible for rent assistance. While this situation has now been rectified, it is worth noting that rent assistance remains an inadequate means for addressing affordability issues in the private rental market because it has failed to keep pace with inflation and is not regionally adjusted. Consequently, even with rent assistance, many single refugees have to live in shared accommodation; however, this can still be expensive especially in the capital cities. Even in Hobart where median rents are at their lowest, it was reported that refugees in shared houses were still paying \$100 each. This still represents 37% of their weekly income on Newstart Allowance or 47% on Austudy or Youth Allowance.

Some young single refugees have arrived as refugee minors with very little support, many having experienced severe trauma in their home countries. Instead of being able to gain some measure of security so that they can address past traumas, many are experiencing varying levels of homelessness. Specific concerns were raised about the group of young refugees known as the Lost Boys of Sudan, many of whom were reportedly living in extreme hardship unable to afford stable housing. Other single refugees reported having to “couch surf”, staying for short periods of time with friends and relatives in the hope that they will eventually obtain more stable accommodation. Some refugee families also reported couch surfing for months on end and the extreme pressure this placed on both them and those on whose generosity they relied.

⁵⁹ Housing stress is defined as someone in the bottom 40% of incomes that spends more than 30% of their incomes on housing costs.

HOUSING COSTS FOR FOUR REFUGEE HOUSEHOLDS IN EACH CAPITAL CITY⁶⁰

SINGLE STUDENT ON YOUTH ALLOWANCE

City	Total Income	Rent	% of Income	Income after housing
Adelaide	\$212.85	\$140.00	66%	\$72.85
Brisbane	\$212.85	\$180.00	85%	\$32.85
Canberra	\$212.85	\$260.00	122%	-\$47.15
Darwin	\$212.85	\$200.00	94%	\$12.85
Hobart	\$212.85	\$135.00	63%	\$77.85
Melbourne	\$212.85	\$150.00	70%	\$62.85
Perth	\$212.85	\$190.00	89%	\$22.85
Sydney	\$212.85	\$150.00	70%	\$62.85

SINGLE UNEMPLOYED PERSON ON NEWSTART ALLOWANCE

City	Total Income	Rent	% of Income	Income after housing
Adelaide	\$267.60	\$140.00	52%	\$127.60
Brisbane	\$267.60	\$180.00	67%	\$87.60
Canberra	\$267.60	\$260.00	97%	\$7.60
Darwin	\$267.60	\$200.00	75%	\$67.60
Hobart	\$267.60	\$135.00	50%	\$132.60
Melbourne	\$267.60	\$150.00	56%	\$117.60
Perth	\$267.60	\$190.00	71%	\$77.00
Sydney	\$267.60	\$150.00	56%	\$117.60

SOLE PARENT WITH THREE CHILDREN (4, 7 and 13 years)

City	Total Income	Rent	% of Income	Income after housing
Adelaide	\$646.36	\$220.00	34%	\$426.36
Brisbane	\$646.36	\$200.00	31%	\$446.36
Canberra	\$646.36	\$330.00	51%	\$316.36
Darwin	\$646.36	\$300.00	46%	\$346.36
Hobart	\$646.36	\$230.00	36%	\$416.36
Melbourne	\$646.36	\$200.00	31%	\$446.36
Perth	\$646.36	\$220.00	34%	\$426.36
Sydney	\$646.36	\$250.00	39%	\$396.36

COUPLE WITH TWO CHILDREN (6 and 8 years)

City	Total Income	Rent	% of Income	Income after housing
Adelaide	\$638.68	\$180.00	28%	\$458.68
Brisbane	\$638.68	\$190.00	30%	\$448.68
Canberra	\$638.68	\$290.00	45%	\$348.68
Darwin	\$638.68	\$230.00	36%	\$408.68
Hobart	\$638.68	\$180.00	28%	\$458.68
Melbourne	\$638.68	\$160.00	25%	\$478.68
Perth	\$638.68	\$210.00	33%	\$428.68
Sydney	\$638.68	\$200.00	31%	\$438.68

⁶⁰ Rental costs determined based on entry level available housing on www.realestate.com.au for the following accommodation: Single unemployed - 1 bedroom unit. Single student - 1 bedroom unit. Couple with 2 children - 2 bedroom unit. Sole parent with 3 children - 3 bedroom house/unit

Other humanitarian entrants are remaining in unsustainably high rental housing in order to remain close to their communities. For example, the Liberian community in Melbourne has settled mainly in Sunshine, an inner-western suburb of that city. The community is well linked in to services and supports in this area; however, recently rents have begun to rise. A similar situation has arisen in suburbs in Sydney where previous intakes of refugee communities have settled because they were affordable, but local housing has since become increasingly sought after and thus more expensive. This situation has had a particular impact on single mothers, many of whom have arrived on Woman at Risk visas, and rely on the support of their community. Many are living in poverty so that they can prioritise rents and avoid having to move.

Unfortunately, evictions are often inevitable and this is leading to a situation where families are forced to move in with other families while they attempt to find alternative housing. This often results in overcrowding, causing tensions between and within families and representing an ultimately unsustainable situation for any great length of time. Sometimes overcrowding can even lead to further evictions. Refugees report incidents where families have received notices to vacate because landlords were concerned about overcrowding. The members of some African communities are also extremely concerned that this situation is reinforcing negative stereotypes about their communities and leading to further discrimination when trying to access properties.

There is no doubt that the cost of private rental accommodation is having a serious impact on the successful settlement of humanitarian entrants. It is causing financial hardship and instability for many refugee families. It also has further impacts on refugees attempting to maintain stable employment or keeping children enrolled in the same school. Reports of refugee households moving every 12 months because of rent increases was not uncommon. Low vacancy rates and rising rents create an extremely competitive housing market which makes even accessing housing a huge hurdle. This is made even more difficult when humanitarian entrants are unable to sustain housing due to affordability problems and end up with a negative rental history and bad references.

An innovative approach in the Top End: Promoting ethical investment for landlords

The Melaleuca Refugee Centre in Darwin has taken an innovative approach to addressing affordability and access issues for refugees in the private rental market. Their Ethical Investment campaign encourages property owners, with a social conscience, to offer their properties to refugees at an affordable rent. In return the landlord receives the peace of mind of knowing that they have a reliable tenant who has received training in tenancy responsibility and property maintenance. In addition Melaleuca also assists in facilitating interpreter services and communication between landlord and tenant. Participating property owners can feel content in the knowledge that their investment is providing the safety and stability that refugees need to begin new lives in Australia.

7.3 Accessing affordable housing

Every capital city, and to a lesser extent many regional centres, is experiencing highly competitive private rental markets. "Open for Inspection" for rental properties is a relatively new concept throughout most of Australia and is a symptom of an increasingly competitive market. In most of the locations where consultations were held, people reported high numbers of prospective tenants, in some areas between 25 and 35 people attending all open houses. Numbers of applications were so high for some properties that IHSS providers were advised not to bother applying.

Humanitarian entrants are at a serious disadvantage when competing for housing in the private rental market. Many recent entrants are unemployed and find themselves competing against working couples. Lack of references and no rental history add an additional barrier to access. Those humanitarian entrants who were able to get some assistance through community organisations or churches seemed to fare best in terms of accessing private rental. However, even where settlement workers are locating housing on behalf of refugee clients, they are confronted by the growing phenomenon of auctions for rental properties, where demand for particular properties

is driving up rental prices beyond that which is affordable under IHSS contracts or refugees' budgets.

Throughout the consultations, settlement workers emphasised the importance of building strong relationships with local real estate agents. Real estate agents were more willing to accept refugees as tenants if they could use the support agencies as mediators if any problems arose. One settlement worker even described having to sign an assurance with the real estate agent in order to get a family into private rental. This places a great deal of strain on agencies, many of whom are not funded to provide housing assistance. Even IHSS services, which are funded to provide housing to refugees for the first six months and offer assistance when required to SHP entrants, were finding the task increasingly difficult and more intensive in some States.

For SHP entrants and refugee entrants who have exited IHSS, there is a serious gap in accommodation assistance services required to secure longer-term accommodation once refugees' tenancy of IHSS-organised accommodation expires. Just getting to the open inspections is often difficult for refugees who are unfamiliar with local areas and have limited transport options. In some areas the houses are open for 15 to 30 minutes, a small window when travelling on public transport. It was not uncommon for humanitarian entrants to spend weeks searching for properties and make 20 or more applications before being successful. Humanitarian entrants who were still learning English also needed assistance with filling in the applications. In some areas, settlement workers reported reluctance by real estate agents to rent properties to refugees who did not speak good English.

Add discrimination to these structural barriers and the situation becomes even more serious. The competitive, commercial nature of the private rental market means that some forms of discrimination in selection of tenants are accepted and commonplace. It also means that other less accepted forms, like racial or sex-based discrimination, are almost impossible to prove, especially when the market is tight. Across a number of States, concerns were raised about real estate agents discriminating against refugees, in particular those from African communities. Settlement workers cited continued difficulties in finding rental properties for African refugees that they did not encounter when trying to find properties for other refugee communities with similar socio-economic profiles. In some areas workers had identified real estate agents whom they believed discriminated against refugees simply because of their migration status and they avoided taking clients there. Large families and single men were the two other groups that were seen as being unreasonably discriminated against in the private rental market. With both of these groups, there was a sense that cultural background was also a factor.

When trying to secure properties in the private rental market, humanitarian entrants faced hurdles at all stages of the process. They faced difficulties finding properties, inspecting properties and applying for properties; when they did make applications, lack of rental history, unemployment and discrimination were key factors in undermining the likelihood of being accepted. There is a desperate lack of services and supports to assist humanitarian entrants who are ineligible for IHSS or who have exited IHSS, to access secure housing.

7.4 Location of affordable housing

Lack of affordable housing and access barriers impact on the type of accommodation humanitarian entrants are able to obtain. Many are forced to move further away from city centres to the margins where housing is often cheaper. Workers reported that humanitarian entrants in most States were settling in areas where housing was more readily available but where social infrastructure was low. Many refugees needed to travel some distance to access the services and supports that they needed and public transport in these areas tended to be limited and infrequent.

Distance from settlement services has profound effects on the associated settlement experiences of refugees and humanitarian entrants. Settlement workers reported cases of humanitarian entrants not attending medical appointments in the city because it was too difficult to reach by public transport. In other areas, accessing English classes was difficult. In one area of Melbourne

where Burmese refugees were settling, children had to take long and complex public transport trips to get to English classes. Parents were faced with a situation where they either accompanied their children to and from classes (which was extremely time consuming) or they allowed their children to travel independently. This had already resulted in at least one case of a young child getting on the wrong train and ending up on the other side of the city.

Transport is one of the most significant problems confronting humanitarian entrants living in marginal areas. Settlement workers raised concerns about the lack of public transport leading to the temptation to find a cheap vehicle. Cases were raised of humanitarian entrants driving unregistered cars, driving without licences and transporting children without the proper restraints.

In some cases there was a mismatch between the location of employment opportunities and affordable housing. In the Geelong region, examples were given where families were separated in the search for employment, with the wife and children remaining in housing in Geelong while the husband lived in Colac to work at the local abattoir. Similar experiences were reported in Western Australia. This splitting of families incurs additional cost and places extra strain on family relationships during the early stages of settlement when each family member is trying to adjust to life in a new country.

7.5 Overcrowding

With the limited number of houses accessible to new humanitarian entrants, it is often hard for larger families to find suitably sized houses. In most capital cities four bedroom or larger houses are usually too expensive or simply unavailable. This is especially the case because most new housing stock being constructed is designed for small family units. All around the country it was not uncommon for families to be living in overcrowded accommodation. As previously outlined, serious overcrowding also occurs when families are unable to access appropriate housing and end up living with other families. This is also extremely common for new SHP entrants who are paying off their airfares and are unable to afford their own accommodation.

7.6 The quality of housing available for refugees

There are generally no legislative requirements covering the basic level of quality of private rental accommodation in any State. Where there are such requirements, these are limited to energy efficiency for new fixtures, cyclone ratings and the installation of smoke detectors. Standards for rental accommodation are thus expected to be dictated by the market. When the market is tight and people are desperate for housing, landlords are able to get away with offering properties of significantly lower quality. One disturbing case involved a house owned by a local meatworks and rented to a few refugee workers. The house was extremely run down with no working toilet and the men were living in appalling conditions. Eventually the property was closed down for health reasons but the men had nowhere to go and so continued to squat in the property.

At the low-cost end of the market, houses tend to be older and less energy efficient, which means that utility costs can sometimes outweigh any savings made in rent. Because of access issues confronting humanitarian entrants, even those who were prepared to pay more and get a better standard house were often unlikely to be successful. In a market where refugees have to accept whatever they can get, there is no opportunity to exercise any choice over whether a house has gas or electricity or whether it has energy-saving fittings. This is often exacerbated by the fact that many new humanitarian entrants have to rely on second-hand appliances that are often inefficient.

The quality of housing at the low cost end of the market clearly varies from State to State and from city to city. In colder areas of the country, heating was a major issue. With no minimum standards, there is no redress if houses have no fixed heating. In a number of consultations, examples were given of refugees and SHP entrants going without heating all through winter. This is particularly worrying in states like Tasmania where winter temperatures can drop below zero at night in winter. Tasmania has no natural gas and all heating is electric; a number of cases were raised where

refugees chose not to use existing heating to save on costs. Other concerns were raised regarding houses in disrepair and protracted attempts by refugees to try and get landlords to fix otherwise hazardous or wasteful problems. One refugee family in south-west Sydney reported that a broken water pipe went untended for weeks before a plumber amenable to the landlord was engaged to stop water gushing into the backyard. Other refugee families have had their utilities cut for weeks on end because of the tardiness of landlords in resolving issues with previous tenants or local councils. In some cases, it is clear that landlords are only interested in cycling people through their properties with ever increasing rentals and have even criticised refugee tenants for attempting to clean houses too thoroughly or improve the amenity of properties.

7.7 Rights and responsibilities

While the overall standards of properties can be extremely low, refugees are often reluctant to complain. Many fear that by making a complaint they risk losing their housing. Considering the conditions in which many refugees have previously lived, it is understandable that many are prepared to tolerate housing conditions that others in Australia would not. On the other hand, there also appears to be a perception among real estate agents, landlords and even some settlement workers that because of difficult experiences refugees should not be fussy about housing, but instead be content with whatever accommodation they are able to obtain, even if it would otherwise be considered substandard.

The turmoil of the refugee experience means that security is particularly important to humanitarian entrants and vital to successful settlement. Unfortunately the early settlement experience of many refugees is one of continual movement, sometimes because of rising rents, sometimes due to unfair evictions and sometimes because, rather than complain, many refugees would rather see out their leases and then just move.

The IHSS includes some tenancy training around rights and responsibilities for refugee entrants; however, this training is not generally available for SHP entrants or onshore refugees. A number of concerns have been raised about the adequacy of this training and the need for more ongoing tenant advocacy services. Advocacy for refugees in the private rental market generally fell to settlement providers who are not skilled in tenancy legislation and are not funded to provide this service. There was also general consensus that tenant advocacy services were seriously undermined by the current market climate.

In almost all States, both settlement workers and humanitarian entrants themselves felt that it was impossible to exercise their rights in the current private rental market. Across the nation, people reported humanitarian entrants putting up with sub-standard conditions and unable to ask for repairs because of fear of eviction. Landlords are able to get away with breaches of State-based tenancy legislation because renters no longer have the power to exercise their rights. This leaves those at the low-cost end, especially those who don't speak English and are new to Australia, extremely vulnerable to exploitation from their landlords. This is especially the case when landlords attempt to impose excessive rent increases. Some refugees reported their landlords increasing rents every three months; others suspected that landlord attempts to raise rents by amounts between \$50 and \$100 per week were part of an effort to force them to move on from the property.

This exploitation does not just occur while humanitarian entrants are in private rental housing but also when they are ending a lease. Because many new entrants find accessing housing incredibly difficult, they will go to great lengths to ensure that they do not get a bad reference. A listing on a "tenant database", which is basically a tenant blacklist available to all real estate agents, can mean homelessness. In one of the consultations an example was given of a single mother being charged \$700 because of a small amount of writing on one of the walls. Despite receiving advice that this was totally unreasonable, the woman was not prepared to challenge it for fear of being blacklisted and her family having nowhere to live. This was not an isolated example.

Many refugees also reported extraordinary difficulties recovering their bond from landlords who frequently penalise refugee tenants for the whole amount of their bond for minimal damage, pre-existing poor conditions, ordinary wear-and-tear on the property, or damage that is the landlord's obligation to repair. In these instances, refugees are reluctant to challenge decisions of landlords through tenancy tribunals or find these processes too time-consuming or difficult to navigate. Given the number of times most refugees move house, not being able to use a bond from one property to reinvest in their next home represents a significant cost for refugees in addition to rent.

7.8 Homelessness

The insecurity of housing for humanitarian entrants in the private rental market means that many are vulnerable to homelessness. While there were a few reports of primary homelessness amongst humanitarian entrants, secondary homelessness was much more common.⁶¹ This form of homelessness can be quite hidden and indications from the consultations suggest that it may be more prevalent amongst humanitarian entrants than previously thought.

Most of the reports of primary homelessness were in relation to young refugees or SHP entrants who, as a result of family breakdown and a lack of other supports, had ended up on the streets.⁶² Family breakdown is sometimes a consequence of families struggling to adjust to changing dynamics in a new country. Sometimes difficulties arise with young people who are trying to juggle the expectations of their families with the expectations of the new society. Refugee families have often been brought together by the refugee experience and so the young people in the family may not be the biological offspring of the guardians. This can sometimes cause strain on family relationships within the Australian context. In a number of States, concerns were raised about the lack of appropriate and culturally sensitive supports for young refugees who become homeless. In particular, crisis accommodation was seen as culturally inappropriate for most humanitarian entrants.

Refugee women experiencing domestic violence have also found it very difficult in a tight housing market to leave damaging and unsafe situations because they consider that enduring violence is better than they and their children ending up homeless. While some of these women are able to access crisis accommodation, this does not provide a long-term solution and the other settlement challenges refugee women face – lack of employment opportunities, low English proficiency, difficulty obtaining a drivers licence – may make it difficult for them to find safe accommodation on their own. Women who are victims of domestic violence have not infrequently been forced to return to live with their partners or family members who are the perpetrators of violence.

Young singles were also at the greatest risk of secondary homelessness due simply to the fact that their income prevents them from living independently. In some areas in Melbourne, IHSS workers reported a complete absence of one bedroom housing, resulting in new entrants having to sleep on couches. The local IHSS services is responding to this by trying to establish a rooming house for single refugees for the first 12 months, however with current funding it is unlikely to fully meet the need. Other cases raised were of men moving for employment and living in temporary accommodation facilities in rural areas. In Colac workers reported up to five single men who had been unable to secure a rental property in three years.

Many families from refugee backgrounds are also subject to secondary homelessness. A number of examples have already been raised of families having to live with other families in overcrowded conditions because they can't secure their own housing. In the consultations, settlement workers raised cases of homeless families being split up across several households. Due to space constraints, it was not uncommon especially for larger families to send children off to live with

⁶¹ Secondary homelessness is defined as moving between various forms of temporary shelter including the homes of friends and relatives, youth refuges, night shelters, boarding houses, hostels and other forms of emergency accommodation.

⁶² Primary homelessness is living without conventional accommodation – such as living on the streets, in deserted buildings, railway carriages or under bridges.

relatives in a separate house. The situation was particularly acute for SHP families who had no choice but to live with their proposer (often a family as well) while they pay off their airfare debt.

More research is needed to establish the extent of homelessness among humanitarian entrants. It is worth noting, however, that in areas where humanitarian entrants were well linked into services the risks of homelessness appeared to lessen – in Darwin, for instance. When problems arose, supports were available so that homelessness could be averted.

7.9 Conclusion

Housing is a concern for anyone on a low income, but at the crucial early stages of settlement, the Refugee Council believes that humanitarian entrants should not be placed at risk of homelessness in such a competitive private rental market. Humanitarian entrants need stability of housing so that they can fully address all their other settlement needs, including recovery from past trauma, and build a secure future for their families in Australia.

Further education and awareness work with real estate agents may assist at the margins; however, in a competitive housing market, agents will always make commercial decisions and will prioritise the best interests of their clients over prospective tenants, refugee or otherwise. A solution is needed that provides stable affordable housing for refugees that is not subject to market fluctuations, for at least the first twelve months of settlement.

RCOA recommends that the Department of Immigration and Citizenship and the Department of Families, Housing, Community Services and Indigenous Affairs develop a national housing strategy for refugees and humanitarian migrants. In developing this strategy, the Departments should explore options for:

- ***creating additional housing stock for on-arrival accommodation through partnerships with housing providers and community services;***
- ***achieving better longer-term housing outcomes for humanitarian entrants through cooperation and initiatives with real estate agents, private landlords, public and community housing and non-government organisations interested in housing provision (offering incentives, subsidies and funding, as appropriate); and***
- ***improved tenancy training for new arrivals and enhanced housing support services and advocacy through on-arrival and longer-term settlement services.***

8. EMPLOYMENT

8.1 The search for a stable, fulfilling job

Obtaining stable, adequately-remunerated, fulfilling employment is an unquestionably significant contributor towards (as well as being an important measure of) successful resettlement for refugees and humanitarian entrants. Upon arriving in Australia, it is fair to say that new entrants have an expectation that they will be able to move swiftly into some form of employment because:

- a) they have been socialised into viewing work as a personal obligation to family and community;
- b) they derive personal satisfaction from engaging in productive work; and
- c) they believe that work is a way in which they can express their gratitude, “repay” and contribute positively to the new country in which they have been resettled.

However, despite refugees’ eagerness to participate in the Australian workforce, the current low official rate of unemployment, and the range of skills and qualifications refugees possess that match the local shortages, they continue to confront significant difficulties in accessing employment opportunities. These problems and concerns are not new. There has been a long history of refugees struggling to find and maintain satisfactory paid employment in Australia and a range of studies published on the causes and effects of unemployment and underemployment among refugee communities both in Australia and other resettlement countries.⁶³ Unsurprisingly then (if perhaps somewhat disturbingly) these concerns and associated levels of frustration are reflected in the comments made repeatedly by refugees participating in RCOA’s consultations over a number of years. While the fundamental issues may not have changed, in some respects refugees are arguably finding different, additional structural barriers to employment associated with changes to employment and settlement service provision, and compounded by other settlement challenges such as finding affordable housing near work, obtaining a driver’s licence, and pressure to demonstrate full indicators of “integration” immediately.

Rather than simply reiterating the more common concerns, this section of the Council’s submission will therefore begin by outlining the employment profile of refugees, highlighting that quite apart from the social costs of underemployment, the loss of economic opportunities from a failure to find pathways to rapid, sustainable employment is significant. This will be followed by a brief discussion of the barriers to employment focusing on how these historically-consistent barriers have been exacerbated by relatively more recent interventions in the labour market, such as the introduction of the Job Network and punitive Centrelink requirements. Finally, this section will explore community initiatives developed by refugees themselves, sometimes together with settlement agencies, to fill the gaps created by a general absence of migrant-specific employment assistance programs.

It is important to note that, while successful employment pathways should continue to be a crucial part of ensuring and measuring sound settlement for refugees and humanitarian entrants, the nature of the migration experience for these individuals means that employment similar to what may be expected of other migrants or those in the general Australian population may not always be appropriate or desirable. Torture, trauma, destitution and extended periods of time living in refugee camps, can and do give rise to profound physical and psycho-social impacts on refugees

⁶³ See, for instance: David Cox (1982) *Professional Refugees in Australia: The Employment-Related Experiences in Australia of Professionally-Qualified Refugees from South-East Asia*. University of Melbourne, Melbourne; Frank Stilwell and Ann Grealis (1993) “Refugees Working: Afghans in Young, NSW” Vol. 12, Issue 1, *Human Rights Defender*, pp 3-6; ECRE Task Force on Integration (1999) *Developing a Refugee Employment Agenda: Report from the Expert Meeting on Refugee Employment in Dublin, 11-12 October 1999*. ECRE, London; JOBFutures (2004) *JOBFutures Pilot Employment Project for Temporary Protection Visa (TPV) Holders: Interim Report*. JOBFutures, Sydney; Louise Kyle, Fiona Macdonald, James Doughney and Joanne Pyke (2004) *Refugees in the Labour Market: Looking for Cost-Effective Models of Assistance*. Brotherhood of St Laurence, Melbourne; Jenny Dunlop (2005) “Part of Society? Refugees in the Australian Labour Market” *Hopes Fulfilled or Dreams Shattered? From Resettlement to Settlement Conference, 23-28 November 2005*. UNSW Centre for Refugee Research, Sydney.

that may render pressure to engage in paid employment an excessive and even cruel imposition, which can compound trauma and make settlement even more difficult.

8.2 Participation of humanitarian entrants in the labour market

8.2.1 Labour force participation

Although the overwhelming majority of refugees and humanitarian entrants were gainfully employed in their home countries, and have a demonstrated capacity and willingness to work, it remains the case that these individuals are overrepresented among the ranks of underemployed, lowly-paid, low-skilled, precariously employed and casualised members of the labour force. This is a situation that has not changed substantially over time, although it is disturbing to note that comprehensive survey data on the employment experiences of refugees has been lacking in recent years because independent agencies that traditionally acted as consolidators of this information, such as the Office of Multicultural Affairs, are no longer in existence and other government agencies have not stepped in to fill this breach.⁶⁴ For instance, perhaps the most compendious publication of employment outcomes of all migrants is based on the Department of Immigration's Longitudinal Survey of Immigrants to Australia (LSIA), one of the very few longitudinal studies covering settlement experiences for migrants. However, the most recent wave of data collected by the Department for the LSIA fails to include humanitarian entrants among its subjects, a significant loss of comparative information available for analysing the change in employment and other settlement outcomes for migrants under the Humanitarian Program.⁶⁵ Nevertheless, what research and analysis *does* exist matches the views expressed and experiences shared by refugees and their support workers participating in RCOA's consultations.

Refugees and humanitarian entrants experience overall comparatively low levels of labour force participation rates during the initial stages of settlement, that is, within the first six to eighteen months of settlement. Over this initial period of settlement, refugees and humanitarian entrants report having to cope with the challenges of having relocated to a new country and a social and economic reality that is far beyond their experiences to date. It is understandable that some time is needed to adjust to these new circumstances, overcome the effects of persecution and trauma, and become familiar with the vicissitudes of life in Australia before thoughts are directed towards entering the labour market. Unsurprising too, is the fact that those refugees who have been displaced because of particularly acute experiences of conflict and persecution tend often to require more time before they are able to feel comfortable contemplating paid employment.

While these challenges are significant, refugees and humanitarian entrants appear to overcome or manage them perhaps more rapidly than would be expected. Results of the LSIA2 show that while 15% of entrants were employed or actively looking for work within six months of arriving in Australia, this rose to 28%, eighteen months on.⁶⁶ Aggregate data for all humanitarian entrants

⁶⁴ Jenny Dunlop (2005) "Part of Society? Refugees in the Australian Labour Market" *Hopes Fulfilled or Dreams Shattered? From Resettlement to Settlement Conference, 23-28 November 2005*. UNSW Centre for Refugee Research, Sydney, p. 11.

⁶⁵ Department of Immigration and Citizenship (2007) *New Migrant Outcomes: Results from the Third Longitudinal Survey of Immigrants to Australia*. AGPS, Canberra, p. 8. There were a range of other adjustments made to the survey, most of which were aimed at making it briefer but more targeted to the policy areas of interest. One of the key reasons for not including humanitarian entrants in the survey was that they possessed "significantly different characteristics, experiences and settlement outcomes" when compared with migrant groups. Arguably, it is these distinctions that perhaps provide the best reasons for continuing to include humanitarian entrants in the survey, to enable more accurate comparisons between these individuals and other migrants.

⁶⁶ Sue Richardson, Josh Healy, Sue Stack, Diana Ilsley, Laurence Lester and John Horrocks (2004) *The Changing Labour Force Experience of New Migrants: Inter-Wave Comparisons for Cohort 1 and 2 of the LSIA*, Report to the Department of Immigration and Multicultural and Indigenous Affairs by The National Institute of Labour Studies, Flinders University. DIMIA, Canberra, p. 13. It should be noted that this data relates to refugees and humanitarian entrants arriving in Australia between September 1999 and August 2000. Much higher overall participation rates over the same period after arriving in Australia were recorded for refugees who arrived between September 1993 and August 1995. Although acknowledged that these figures are now more than 10 years out of date, and given the changes in the composition of the refugee and humanitarian program over that time, are not likely to be reflected among the present intake, they are, unfortunately, among the most recent, comprehensive data available. Even the Australian Bureau of Statistics does not usually provide adequately disaggregated labour force data that identifies humanitarian migrants

living in Australia in November 2004 showed a labour force participation rate of 58.4%,⁶⁷ only 5% lower than the 63.7% participation rate among the general Australian population during the same period.⁶⁸

Some categories of refugee humanitarian entrants have consistently demonstrated higher rates of labour force participation than other refugee entrants and, in some cases, even higher than the general Australian population. Again, the data available here is sketchy because it is not disaggregated according to visa status and therefore statistics relating to *all* migrants from certain countries of origin that are also major refugee source countries (eg. Afghanistan, Sudan and Iraq) must be presumed to be associated in the main with refugee populations. For instance, Waxman's 2001 study Iraqi and Afghan populations showed participation rates of 73% and 77% respectively, 10-14% higher than the participation rates among the general population over that same period.⁶⁹ Sudanese migrants have a participation rate of 40.3%.⁷⁰

These figures run contrary to the popular perception that migrants from certain refugee producing countries are individuals who will *all* present with profound difficulties entering the labour market or an inability or unwillingness to do so. Rather it is clear that there are numerous complexities associated with the refugee experience, of both an individual and a generalised nature, which means it is important to look more closely at the structural constraints to successful employment pathways.

8.2.2 Unemployment and underemployment

Of those refugees and humanitarian entrants who are actively engaged in the search for work, they tend to experience higher levels of unemployment when compared with the general Australian population and other categories of migrants. In the November 2004 ABS survey of migrant employment, the unemployment rate for refugees and SHP entrants was 10.5% compared with 5.2% for the general Australian population over the same period. Unemployment among refugee communities is also higher than that of other migrant populations.⁷¹ Refugees report that work is not as straightforward as they first imagined and the processes are not comparable to those experienced in refugees' home countries. The barriers to employment examined in greater detail below also operate in interlocking ways to prevent even the most enthusiastic, skilled and resourceful refugees and humanitarian entrants from finding a job. Refugees express frustration at this apparent disconnect between their willingness to be employed, their inability to do so and the low unemployment rate. The greatest level of consternation is expressed by unemployed refugees who are qualified to perform and/or have extensive experience in trades, para-professional or professional work, who also hear about the apparent labour shortages in these industries in Australia and the proposed solution of importing casualised labour.

separate from other migrant groups or vis a vis the broader Australian population (see, for instance, ABS Catalogue # 4102.0 - Australian Social Trends, 2006: Labour Force Participation of Migrants,

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/F930564143DFA8A8CA2571B000153DD7?opendocument>)

⁶⁷ ABS Catalogue #6250.0 – Labour Force Status and other Characteristics of Migrants, Nov 2004,

[http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/36AB353BBC586B55CA257022007638F9/\\$File/62500_nov%202004.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/36AB353BBC586B55CA257022007638F9/$File/62500_nov%202004.pdf)

⁶⁸ ABS Catalogue #6202.0 - Labour Force, Australia, Nov 2004,

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/allprimarymainfeatures/2EB4BD8357CFA7C1CA256F8700728FE6?opendocument>

⁶⁹ P. Waxman (2001) "The Economic Adjustment of Recently Arrived Bosnian, Afghan and Iraqi Refugees in Sydney, Australia" in 35(2) *International migration review*, p. 487, cited in Jenny Dunlop (2005) "Part of Society? Refugees in the Australian Labour Market" *Hopes Fulfilled or Dreams Shattered? From Resettlement to Settlement Conference, 23-28 November 2005*. UNSW Centre for Refugee Research, Sydney, p. 12.

⁷⁰ DIAC (2007) *Community Information Summaries: Sudan*, Available: <http://www.immi.gov.au/media/publications/statistics/comm-summ/summary.htm>

⁷¹ ABS Catalogue #6250.0 – Labour Force Status and other Characteristics of Migrants, Nov 2004,

[http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/36AB353BBC586B55CA257022007638F9/\\$File/62500_nov%202004.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/36AB353BBC586B55CA257022007638F9/$File/62500_nov%202004.pdf) ;

ABS Catalogue #6202.0 - Labour Force, Australia, Nov 2004,

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/allprimarymainfeatures/2EB4BD8357CFA7C1CA256F8700728FE6?opendocument>

Like all unemployment statistics compiled in Australia, the definition of “employment” used in ABS surveys obscures the numbers of refugees and humanitarian entrants who are underemployed.⁷² There is no concrete data available on underemployment; however, there are strong indications that a number of refugees who are employed are engaged primarily in part-time or casual employment with fluctuating hours that means that relying on official employment rates may not be a good measure of refugees’ having obtained sound employment outcomes. The other aspect of underemployment of refugees and humanitarian migrants not reflected in official statistics relates to occupational mismatch. A large number of highly skilled, experienced refugees have managed to secure work only in low-skilled or unskilled industries contributing not only to a personal loss of skills but a cost to the Australian economy.

8.2.3 Occupational profile

Refugees and humanitarian entrants continue to be concentrated in low-skilled, low-paid occupations characterised by poor conditions and lack of job security. They tend to be employed in the service industries, including taxi-driving, security, household and industrial cleaning and aged care, as well as more physically intensive industries such as fruit-picking, mining (on account of the resource boom in Western Australia) and process work. There is almost an expectation that refugees and humanitarian entrants, regardless of their skill level, will work in “blue-collar” occupations. The only “white-collar” work readily available for refugees is as bilingual workers in settlement services, where their migration experience is considered an asset. While the pressure many refugees feel to work (coupled with their obligations under changes to Commonwealth income support programs) mean that they are frequently prepared to settle for such sub-standard jobs when they first arrive, there is understandably a high degree of frustration felt when it is discovered that this employment situation is not a temporary one, but rather one that will be a defining feature of their time in Australia.

Contrary to popular belief, refugees are not concentrated in poor jobs because they are all unskilled, cannot communicate well in English, and/or do not have work experience readily transferable to the Australian context. Although during the application for a protection or humanitarian visa to reside in Australia, the Department of Immigration does collect information about refugees’ educational and employment backgrounds, this information is not made readily available to employment services, settlement agencies or scholars. As with other employment statistics, conclusions about skill levels of refugees must therefore be deduced from other aggregated data. Results from the 2006 Australian Census show, for example, that 38.8% of Sudanese, 36.9% of Iraqis and 33.7% of Afghans held post-high-school-level qualifications (as compared with 52.5% of the general Australian population).⁷³ In their excellent recent report, *Refugees and Employment: The Effect of Visible Difference on Discrimination*, based on qualitative research of 150 refugees and 40 employers, Val Colic-Peisker and Farida Tilbury demonstrate high levels of employment of refugees in home countries, often at professional and para-professional levels. For instance, 62% of refugees with African backgrounds had work experience in trades, para-professions and professional occupations. 88% of refugees from the Middle-East also fit in this category.⁷⁴

All studies as well as the evidence provided by refugees attending the Council’s consultations indicate that these migrants suffer substantial occupational downward mobility and loss of occupational status, even many years after arriving in Australia. Colic-Peisker and Tilbury’s report indicates that as many as 49.3% of refugees in their sample were employed in occupations below

⁷² Official employment statistics count any person who within the survey week is engaged in paid employment for at least one hour among the ranks of the “employed”.

⁷³ DIAC (2007) *Community Information Summaries: Sudan, Iraq, Afghanistan* Available: <http://www.immi.gov.au/media/publications/statistics/comm-summ/summary.htm>

⁷⁴ Val Colic-Peisker and Farida Tilbury (2007) *Refugees and Employment: The Effect of Visible Difference on Discrimination. Final Report*. Murdoch University, Western Australia, p. 12.

their skill level.⁷⁵ This is confirmed by the everyday experience of Australians encountering refugees who were doctors, professors, higher education teachers and engineers who are working as cleaners, taxi drivers, security guards and supermarket trolley-pushers. There are a number of reasons why refugees are concentrated in low-paid work with poor conditions well below their capabilities:

- The preparedness of Australian-born job-seekers to settle for low-status/low-paid jobs is at an historic low.
- There is a perception among the general Australian community and especially among some employers that refugees should be available for unattractive jobs where labour shortages are acute. Refugees are considered to be migrants who are here due only to the generosity of the Australian Government and as such have a responsibility to repay that generosity by not being “fussy” about the jobs they are offered. Some employers even direct their search for labour to Department of Immigration offices to ask for available refugees. This is also linked to an expectation that vulnerable migrants should fill these jobs because they must be unskilled and otherwise unfit to compete for or hold jobs more appropriate to their actual skill levels or labour market potential.
- Refugees cannot afford to wait until the best job for them becomes available. Not only is there pressure to support their family in Australia, but also to send remittances to relatives who remain in unsafe situations in home countries.
- The capacity for refugees to leave low-paid or low-skilled jobs decreases the longer refugees remain in those industries, due to loss of original skills, missed opportunities for networking and career progression.
- Recent government initiatives encouraging refugees to settle in regional areas have often been driven by a perception that low-skilled labour shortages in those communities can be filled by refugees.

This situation points to a growing risk of refugees and humanitarian entrants forming an underclass of workers in the Australian labour force and within broader Australian society. The median incomes for migrants from Sudan, Iraq and Afghanistan, for instance is between \$228 and \$234 per week as opposed to \$488 for Australian-born residents and \$431 for the whole Australian population.⁷⁶

It is not inevitable, however, that refugees and humanitarian entrants should become “stuck” in cycles of low-paid work in occupations far below their skill levels with poor and precarious working conditions. The barriers to refugees realising their labour market potential are not insurmountable, despite being fundamentally structural in nature. Many could be conquered through only minimal changes in policy, better targeting of existing resources, restoration of former funding, support for community initiatives and/or greater responsiveness to refugee community needs. Others require a rethink of imposed priorities for refugee communities and an historical understanding of the longer time horizons required for achievement of “successful” employment outcomes. The next section draws on the work of Colic-Peisker and Tilbury,⁷⁷ Stilwell,⁷⁸ Cox,⁷⁹ and Dunlop,⁸⁰ as well as RCOA’s publications, reports and community consultations, to identify the most pressing challenges.

⁷⁵ Val Colic-Peisker and Farida Tilbury (2007) *Refugees and Employment: The Effect of Visible Difference on Discrimination. Final Report*. Murdoch University, Western Australia, p. 12. Interestingly, no refugee in their sample reported being employed in a job above the skill level of the occupation they performed in their home country.

⁷⁶ DIAC (2007) *Community Information Summaries: Sudan*, Available: <http://www.immi.gov.au/media/publications/statistics/comm-summ/summary.htm>

⁷⁷ Val Colic-Peisker and Farida Tilbury (2007) *Refugees and Employment: The Effect of Visible Difference on Discrimination. Final Report*. Murdoch University, Western Australia

⁷⁸ Frank Stilwell (2003) *The Economic and Social Impact of Afghan Refugees in Young, NSW: A Research Report*. Unpublished.

⁷⁹ David Cox (1982) *Professional Refugees in Australia: The Employment-Related Experiences in Australia of Professionally-Qualified Refugees from South-East Asia*. University of Melbourne, Melbourne.

⁸⁰ Jenny Dunlop (2005) “Part of Society? Refugees in the Australian Labour Market” *Hopes Fulfilled or Dreams Shattered? From Resettlement to Settlement Conference, 23-28 November 2005*. UNSW Centre for Refugee Research, Sydney.

8.3 The elusiveness of secure, occupationally-matched employment

8.3.1 Australia's changed labour landscape

Like all Australians attempting to secure stable, decently-remunerated employment, refugees and humanitarian migrants are confronting a domestic employment landscape that is markedly different from that of previous generations. These changes include an increase in precariousness of employment due, among other things, to growing casualisation, the demise of collective bargaining, reduced award conditions, and less protection against unfair dismissal. These shifts have been coupled with a heavier emphasis in state income support structures on compliance and "mutual obligation", as well as stricter conditions on and time-limited access to income support. In particular, refugees have commented that pressure to take a job – any job – has meant that they have knowingly settled for employment contracts with working conditions bordering on exploitative. The lack of general protections and fears about losing this work has led to these migrants tolerating these sub-standard conditions.

As individuals who are overwhelmingly vulnerable, refugees join other marginalised groups in the Australian labour market, including young people, older workers whose skills have become redundant, people with mental illness, sole parents, and the low-skilled, who are disadvantaged by increasingly "flexible" employment arrangements. While Australia may be currently enjoying exceptionally high rates of employment (putting to one side the problems associated with the current calculation of official employment statistics), the labour market outcomes for these groups has continued to be poor, and in some respects has worsened over time when compared with individuals who are in superior bargaining positions. For refugees, structural changes within the labour market have exacerbated other barriers to employment that are associated with the nature of their migration experience, placing them at a further initial disadvantage when trying to obtain a decent job.

8.3.2 Health problems and the refugee experience

Refugees and humanitarian entrants are, by definition, individuals who have been forced to flee home situations of intense conflict, insecurity, danger, persecution, poverty, and sometimes a combination of all of the above. As a direct result of their experiences, many refugees have developed chronic physical and mental health problems that impact adversely on their capacity to maintain "acceptable" forms of employment within the context of the Australian labour market. This situation is often more acute for middle-aged and older refugees for whom addressing health concerns becomes a major priority.

While there is much evidence to suggest that gaining paid employment is an important contributor towards assisting refugees to overcome the mental health impacts of their migration experience, it is also true that some physical health problems in particular can be intensified by pressure to find and keep a job. This is especially so for older refugees who may not possess skills readily transferrable to the Australian employment context. These refugees struggle with reconciling the expectation, both personal and imposed by broader Australian society, that they need to be in paid work, and the reality that the jobs with which they are presented are all physically strenuous and thus not viable in the medium- to long-term. RCOA has heard many reports from middle-aged refugees who despite their strong desire to keep their job, have found occupations like cleaning or factory work simply impossible to do and have thus been forced to quit. They are then not only faced with personal disappointment, but often a lack of understanding on the part of employers and job service providers about their very real health concerns. Rather than exploring ways to develop alternative skills or create opportunities that are manageable within the physical capabilities of refugee job applicants, mainstream employment service providers seem to focus entirely on encouraging these individuals into the archetypal "new migrant jobs".

8.3.3 Membership of a new and/or emerging migrant community

Worsening refugee crises in particular parts of the world have led to a change in the composition of the refugee and humanitarian intake by Australia that has resulted in an increase of resettlement by individuals from countries that have traditionally not otherwise migrated to Australia in substantial numbers. As such, refugee migrants arriving in Australia in the present day are often among the very first members of their cultural or ethnic groups to do so. This is especially the case for refugees from parts of Africa.

It is common knowledge among both established locals and new migrants that one of the easiest ways to find employment is through community connections. A proclivity for homosocial reproduction and a desire to assist fellow ethnic community members also mean that businesspeople and employers with migrant backgrounds tend to be more amenable to employing new migrants of similar background. Settlement workers and refugees all relate experiences of relying on certain business-owners who are well known for providing job opportunities for new arrivals from certain parts of the world. These employers understand the disadvantage refugees face when competing in the broader job market for reasons that are beyond their control and usually arise because of their migration experience. However, refugees who do not hail from communities that are as established in Australia do not enjoy this avenue to secure employment.⁸¹ There is thus some value in enabling and assisting migrants from newer communities to establish their own businesses because this can and will contribute to creating employment opportunities for other refugees and humanitarian entrants arriving in Australia, although the benefits of such initiatives are only likely to be seen in the longer term.

8.3.4 Obtaining a driver's licence

The importance of holding a driver's licence cannot be overstated for refugees and humanitarian entrants. Being able to drive a car not only increases personal mobility and independence but creates greater opportunities to access work that is located further away from home or requires attendance at hours when public transport is not available. As accommodation costs force refugees to live further and further away from employment opportunities, educational facilities and other amenities, the need for a readily accessible, efficient form of transportation is vital, especially for refugees supporting particularly young or old family members. In addition, there are many basic job opportunities – such as employment in car yards as vehicle cleaners – that are closed off to refugees who do not hold licences.

While there is arguably a growing need for refugees to be able to drive legally, at the same time the requirements for obtaining a licence are becoming increasingly tough and expensive to meet. Even though some refugees have driven in their home countries, they often do not possess evidence of an overseas driver's licence that will enable at least some of these requirements to be waived. Without access to a car and free lessons, the cost of obtaining a licence is thus becoming so prohibitive for refugees and humanitarian entrants, and alternatives wholly impractical, that some feel they have no option but to risk driving illegally, relying on their experience of having driven in their home country and hoping they will not get caught by authorities. This is obviously a very unsafe situation, not only for the refugees driving but for the general road-using public. Some community organisations have taken to running driver education programs and practical driving skills courses; however, without greater than weekly access to a vehicle, even the most diligent of refugee students in many States will need to wait over one year to obtain their licence.

Difficulties obtaining a driver's licence may not be so profound if refugees and humanitarian entrants were able to rely on safe, efficient and affordable public transport to access employment opportunities. The types of occupations in which refugees are being employed, such as industrial cleaning or factory shift work, requires them to attend workplaces at times when it is impossible to

⁸¹ These findings are confirmed by results of the LSIA surveys as analysed in P. N. (Raja) Junankar and Stéphanie Mahuteau (2004) *Do Migrants Get Good Jobs? New Migrant Settlement in Australia*. Institute for the Study of Labor, Bonn. Discussion Paper No. 1434. ISZ, Bonn.

access public transport, especially if it is provided by private transport companies, and it is too far to walk or cycle. In addition, for refugees who have to balance family responsibilities, such as sending children to school, as well as other obligations such as AMEP classes, negotiating infrequent and indirect public transport is excessively complicated, tiring and time-consuming. Refugees may be more amenable with these inconveniences if public transport was indeed a cost-effective means of travel. However, most refugees live in locations serviced only by private bus companies whose fares are much higher than their public counterparts. Train travel, especially in peak times, is also expensive. Public transport is thus not only inefficient for refugees but represents a significant portion of whatever meagre income they do earn.

Again, having to wait to obtain a licence or juggle public transport may not pose such significant barriers to employment for refugees if they were able to live near their places of work. The challenges of accessing secure, affordable housing, proximate to amenities are covered in greater detail in Section 7 of this submission; however, suffice to say that many refugees are being forced to commute long distances to work. The occupations in which refugees are concentrated means that such commuting often takes place in the very early hours of the morning (3am-5am) or very late at night (11pm-2am), an almost impossible task if relying solely on public transport. Such situations have often become unsustainable and refugees are faced with the unenviable decision to quit the jobs on which they have come rely.

Below is a brief overview of the current pre-requisites for obtaining a (unsupervised driving) licence in each State and Territory for individuals who do not hold an overseas' licence:

State	Age	Minimum time on Learner's Permit	Minimum total supervised driving hours	Other requirements
NSW	< 25 years	12 months	120	Minimum of 20 hours of supervised night driving.
	> 25 years	-	120	Minimum of 20 hours of supervised night driving.
Victoria	< 21 years	12 months	120	Minimum of 10 hours of supervised night driving.
	22-25 years	6 months	0	
	> 25 years	3 months	0	
Queensland	< 25 years	12 months	100	Minimum of 10 hours supervised night driving. Can receive an exemption from all required driving hours, but if successful must hold Learner's Permit for 24 months.
	> 25 years	12 months	0	
WA	> 16 years	-	-	Phase 2 Learners are required to obtain 25 hours of supervised driving and are encouraged to receive these in a "range of environments".
SA	> 16 years	6 months	50	Minimum of 10 hours supervised night driving.
Tasmania	> 16 years	12 months	50	In "special circumstances" need only hold Learner's Permit for 6 months.
ACT	> 15 years & 9 months	6 months	-	Can obtain P-plates either through sitting a practical examination or using an accredited driving instructor
NT	> 16 years	6 months	-	

RCOA recommends that, as a first step towards a national strategy to remove the additional disadvantage faced by humanitarian entrants who do not have drivers' licences, the Department of Immigration commission research on current community responses to this issue.

8.3.5 Gendered experiences and responsibilities

Just as in the overwhelming majority of non-refugee households, the responsibility for undertaking necessary caring and household duties among refugees and humanitarian entrants tends to fall disproportionately to women. This is especially so when it comes to providing primary care for children, infirm and elderly relatives. Resettlement is a process that can be quite intensive, especially during the early stages of arrival, and is greatly assisted by family members being able to provide support to one another. Refugee women who care for family members and others in the community provide an invaluable service not only to those individuals but to the broader Australian community, by limiting the costs of potential social dislocation and providing other settlement services “in-house”. Many refugee women, particularly those in female-headed households, understandably feel that this contribution to domestic labour is not valued as highly as it should be, especially when they feel immense pressure to “find work” in the paid labour market.

Other refugee women who have skills and qualifications and have experience engaging in paid work outside of the home in their countries of origin find (much like other women living in Australia) that it is difficult to obtain employment either in their original field or in any area of work at all because of the burden of family responsibilities. Many refugee women, especially in the early years of settlement, do not have close family or friends in Australia on whom they can rely to absorb childcare costs and as such, they report struggling to access affordable childcare that is available during the hours they require for the occupational niches in which they are concentrated. Refugee women must also sometimes manage the competing pressures and family tension that can arise because of social (and personal) obligations to remain at home to undertake full-time caring responsibilities, and the need to earn money to ease the financial stressors on the family associated with repaying travel loans and settling into a new country. Family responsibilities further compromise women’s ability to engage in other activities that may improve their capacity to obtain better paid employment, such as participating in English classes or tertiary education.

In addition to the range of barriers that all refugees and humanitarian entrants may face in the Australian labour market, women confront additional challenges that flow, not only from their family responsibilities, but from the gendered nature of the labour markets in their home countries. Many refugee women, especially those from African countries, have a long history of engaging in paid work outside the home, but often such work has traditionally been located within the informal economy, for instance, in local markets. While the skills women have obtained in these sectors are invaluable and provide evidence of aptitude and application, they are not necessarily readily recognised within Western employment models – no official qualifications have been obtained, no references are held and no comparable local experience is identifiable. These women express concerns that they may be driven into poverty because they are unable to effectively demonstrate their potential to be a good employee. They are also frustrated by the fact that low-skill and “unskilled” jobs in Australia that are similar to those they may have performed in their home countries have requirements that would have been considered unnecessary in their home countries. For instance, refugee women are often told that their basic level of English is insufficient to enable them to work as house cleaners. While not suggesting that skill requirements should be entirely waived for such women, it would perhaps be useful to acknowledge past experience, current disadvantage and the fact that some skills can be learned on the job or developed alongside engagement in paid work.

The gendered nature of persecution experienced by many refugee women, such as sexual assault, trafficking and slavery, also has profound, ongoing impacts that can affect their ability to participate in the paid workforce.

8.3.6 English proficiency and grasp of the vernacular

A relatively sound capacity to communicate in English is clearly one of the most important requirements for refugees and humanitarian entrants attempting to compete in the Australian labour market, and some of the concerns regarding programs to assist refugees in obtaining these skills are outlined in greater detail in a separate section of this report. However, while the difficulties confronting refugees with little to no proficiency in English are relatively well-known, there is arguably less of an understanding of their impact on refugees who are able to communicate at a basic or even competent level in English. These refugees find that even though their English comprehension is high, because English is not their primary language, they are not well-versed in the nuances of the language that are required for some of the more specialised occupations. While a general expansion of vocabulary is useful, they feel that a greater focus on vocational English that is ideally matched with work experience would be more valuable. This is especially important for refugees who feel that their specialised skills are being eroded the longer they are out of work. This gives rise to the somewhat paradoxical situation in which highly-skilled refugees with reasonable English proficiency may end up unemployed while their less-fluent counterparts can find work more easily.⁸²

In addition to the basic challenges of developing proficiency in a language especially later in life, it is also worth highlighting the tension that refugees feel between an awareness of the vitalness of persisting with English classes to improve future job prospects and the pressure to take up employment immediately, even if this compromises their capacity to continue English classes.

8.3.7 Recognition of skills, qualifications and overseas experience

As noted above, a large proportion of the refugee and humanitarian entrant population were occupationally well-established before arriving in Australia. Many of these individuals hold tertiary qualifications and/or have many years experience in specialist vocations. Anecdotally, quite a number of these refugees also have skills and experience that are a good occupational fit for the apparent labour shortages currently a feature of Australian job market. However, refugees find that these skills, qualifications and experience is not sufficient for securing work in occupations at the same or close to the level of that enjoyed in their home countries. Overwhelmingly, refugees experience downward occupational mobility and this is fundamentally linked to structures that prevent qualifications and experience from being recognised. This is not a new situation – historically all skilled migrants arriving in Australia from CALD backgrounds have confronted difficulties in finding comparable work. That said, for skilled refugees, for whom migration to Australia is not a choice, this lack of transferability is additionally frustrating.

The obstacles encountered by skilled refugees include:

- Prohibitive costs for bridging courses and supplementary examinations. Many refugees could have their qualifications recognised through a simple completion of additional courses or examinations, but the cost of undertaking these processes can be very expensive placing them beyond the reach of new entrants coping with other financial burdens.
- Limitations on translation services. As highlighted earlier in this report, refugees only receive a limited number of free document translations. Not uncommonly, documents evidencing qualifications exceed this number and require full translation to be useful, not the partial translations generally provided.
- No recognition of overseas experience. Refugees are placed in a situation where they are required to demonstrate Australian workplace experience before being considered eligible

⁸² This is confirmed by findings of Junankar and Mahuteau that demonstrate that holding an undergraduate degree appears to have a negative influence on male migrants' employability as compared with leaving school earlier. However, as migrants' general education increases, the probability of being absorbed within employment networks created by their fellow community members decreases and their probability of obtaining work in the traditional Australian labour market increases but probably not sufficiently to compensate their relative unemployability within community networks. cf. P. N. (Raja) Junankar and Stéphane Mahuteau (2004) *Do Migrants Get Good Jobs? New Migrant Settlement in Australia*. Institute for the Study of Labor, Bonn. Discussion Paper No. 1434. ISZ, Bonn.

for employment, but are unable to obtain the jobs that will provide them with that experience. The way through this Gordian knot is through recognition and crediting of overseas employment experience. Australian workplaces are not such alien environments that refugees with experience in other countries will not be able to adjust accordingly. Indeed in some cases, such as doctors who have worked in under-resourced hospitals located in war zones, or lecturers who have worked in cross-cultural institutions, overseas experience should be considered an asset in the Australian labour market.

The consequences of occupational mismatch arising from failure to capitalise on refugees' skills and experience are significant, affecting the mental health of refugees, compromising the maintenance of their specialised expertise, representing a loss of productive capacity within the Australian economy. So great are these impacts that it is increasingly common to hear of highly skilled refugees and humanitarian entrants, such as doctors, professors, pharmacists, scientists and engineers, who are emigrating from Australia to other countries where their qualifications and experience will be recognised and valued.

RCOA recommends that the Department of Immigration and Citizenship and the Department of Education, Employment and Workplace Relations establish a fund to provide subsidies to assist humanitarian entrants undertaking bridging courses to have overseas qualifications recognised in Australia.

8.3.8 Disadvantage compounded by lack of labour market skills

While some refugees have a high level of skills and formal work experience, a number of refugees have not had the opportunity to develop these skills and experience because of the very nature of their migration experience. Those refugees who were born or spent extended periods of time in refugee camps, have been detained, or have been in constant transition between countries of residence, are unlikely to have been presented with opportunities to undertake formal education and training of the variety that is considered useful in the Australian job market. For these migrants, their lack of labour market skills is often associated with, or contributes to, other disadvantages they face in their general resettlement process, for example, mental and physical health conditions, which in turn make it difficult for them to achieve good employment outcomes.

8.3.9 Australian citizenship

Possession of Australian citizenship is a pre-requisite for a number of occupations in the public sector, from bilingual client service officers in Centrelink through to bus drivers. The extension on the length of permanent residency required to be eligible for citizenship introduced in 2007 therefore limits the range of occupations for which refugees are able to apply. The introduction of the Australian Citizenship Test in October 2007 combined with an increase in the application fee, has also dramatically reduced the numbers of migrants who are applying for citizenship.⁸³ RCOA, settlement agencies and refugees have pointed out the way in which the citizenship test operates in a discriminatory manner for refugees and humanitarian migrants, a group that has not been granted an exemption under the legislation, and thus are faced with an additional barrier to accessing employment opportunities.⁸⁴

8.3.10 Discrimination

The impact of discrimination by employers against job applicants with refugee backgrounds cannot be underestimated. Overt workplace discrimination persists as a profound barrier to refugees and humanitarian entrants accessing employment. Refugees across the country recounted stories of:

⁸³ Michelle Grattan (2008) "Daunting' Citizenship Test Scares Off Applicants". *The Age*. 30 January 2008.

<http://www.theage.com.au/news/national/daunting-citizenship-test-scares-off-applicants/2008/01/29/1201369135958.html>

⁸⁴ Refugee Council of Australia (2007), Submission to the Senate Legal and Constitutional Affairs Committee inquiry into the [Citizenship Amendment \(Citizenship Testing\) Bill](#). The operation of the Citizenship Test is presently under review.

- Employers insisting that they could not employ women who wear the hijab who, despite their qualifications, experience and communication skills, would not be “viewed favourably” by customers or clients;
- Anglicising Islamic names on job applications to improve prospects of obtaining a job interview;
- Immediate dismissal of applications upon sight or during a telephone conversation indicating discrimination on the basis of visible difference or accent;
- Employers exclaiming or implying that they did not expect a black person to have applied for the job vacancy because of the skill and qualification requirements of the position;
- Incorrect assumptions by interviewers about an applicant’s background, skills and qualification based solely on their refugee status;
- Interviewers and employers asserting that refugees from Africa for whom English is a primary language could not be understood; and
- Nursing homes reluctant to employ Australian-qualified refugee women from Africa with refugee backgrounds because residents were not prepared to be cared for by black women.

Such experiences of direct discrimination were disturbingly not as isolated as may be anticipated and contributed to refugees’ (sometimes incorrect) assumptions about incidents of indirect discrimination also occurring in the employment context. Failure to recognise qualifications or experience obtained overseas in non-Western European countries was the most commonly reported form of indirect discrimination experienced by refugees. Notions about perceived egalitarianism in the labour market also seems to influence employers’ views about refugee applicants, which refugees themselves report as being difficult to counter despite their personal experiences to the contrary. This is supported by the interviews of refugees and employers conducted by Colic-Peisker and Tilbury:

[S]ome [employers] suggested that it was the migrants’ fault that they could not get jobs, due to ‘personality differences’, ‘bad attitudes’ such as ‘lack of gratitude’ or being ‘too proud’ of their country of origin, being ‘too enthusiastic’ or not enthusiastic enough, exaggerating their abilities or ‘not selling themselves enough’, or simply because they lacked understanding of Australian work culture (including racist jokes).⁸⁵

These experiences are then internalised by refugees and contributes to them becoming discouraged job-seekers.

8.3.11 Conclusion

In some respects, refugees and humanitarian entrants and their experiences of engagement in the labour market are very similar to those of other new migrant groups. Just like other migrants, refugees have trouble having their overseas qualifications, skills and experience recognised; they may be disadvantaged by their lack of fluent English; they are restricted in their employment options because of limited access to public transport and housing proximate to workplaces; and they face discrimination because of their visible difference.

On the other hand, because of their migration experience, refugees and humanitarian entrants also differ in some key ways from other migrants and the rest of the Australian population that affect the way they are able to interact with the labour market. The effects of torture and trauma; the need to adjust to life in a highly industrialised society after long periods in a refugee camp; the pressure of managing domestic responsibilities for family members who themselves are trying to cope with resettlement; health problems; and the absence of an already established ethnic community, all shape or exacerbate the standard employment barriers faced by other migrants.

⁸⁵ Val Colic-Peisker and Farida Tilbury (2007) *Refugees and Employment: The Effect of Visible Difference on Discrimination. Final Report*. Murdoch University, Western Australia, p. 25

8.4 Employment services for refugees and humanitarian entrants

Since the establishment of the Job Network (JN) in 1998, there are no longer migrant-specific employment service providers let alone service providers catering specially for refugees and humanitarian entrants (although some JN providers claim to have particular expertise in assisting migrants). JN is managed through the Department of Education, Employment and Workplace Relations. Refugees who are placed on Newstart Allowance after living in Australia for six months are required to engage the services of a JN provider in assisting them to find work. The assistance provided is supposed to focus primarily on resumé preparation and locating job opportunities. After three months, the client becomes eligible for Intensive Assistance that includes requirements such as participation in job search training. If a JN client remains unemployed after 12 months, they may become eligible for Intensive Assistance Customer Support, which includes access to clothing and transport subsidies as well as job counselling.

Interestingly, all refugees participating in RCOA's consultations who spoke about using the services of JN providers were highly critical of their experience. While refugees appreciated the fact that the government was clearly interested in assisting them into paid employment, they felt that there were significant shortcomings in the JN model that prevented it from operating as efficiently and effectively as it potentially could. These criticisms included:

- A lack of appreciation of the particular needs of refugee clients and their employment histories. Many refugees reported encounters with JN officers who did not show an understanding of the refugee experience and how these circumstances – for example, broken work history, lack of formal qualifications, health problems and lack of documentation – may have impacted on refugees' engagement with the Australian labour market. Some refugees were made to feel personally responsible for their disadvantage.
- Inadequate emphasis on finding work that is appropriate to refugees' skill levels, interest and experience. The primary focus for JN providers is placing clients in work. It is a secondary consideration (if it is a consideration at all) as to whether or not that work is sustainable or represents a step along the path towards longer-term job prospects. This is understandable because JN providers are remunerated based on the numbers of clients they place as opposed to the quality or sustainability of those placements. However, the lack of an incentive to focus on job quality is especially problematic for refugees who are highly skilled, who also have an expectation that they will be assisted into jobs that are more closely matched to their skills and experience.
- A misapprehension of the abilities of refugees. Some refugees felt that their JN provider presumed that they should only apply for and be content with employment in low-skilled occupations simply on account of their status as a newly arrived refugee. In these cases it was clear that there was a flawed assumption on the part of JN providers about the homogeneity of refugees.
- A "one-size-fits-all" approach to employment assistance. Many refugees were frustrated by the lack of differentiation in the services that they were able to access through their JN provider. It is felt that these services are developed primarily for Australian-born job-seekers and are thus inappropriate to be applied without modification to the situation of refugees and humanitarian entrants looking for work. Some of the services provided, such as the use of computer job kiosks, require computer skills that may be outside of refugees' experience but with which they are provided with no assistance by JN staff. Refugees felt they could benefit more from assistance that had a longer time horizon for employment pathways and allowed for assistance to upgrade or transfer skills and qualifications.
- JN providers benefiting under contracts despite failing to provide concrete outcomes for refugee clients. Refugees who managed to find work through their own resourcefulness and without the assistance of their JN provider suspected that their provider took credit for the resolution of their case.
- Adverse impact on refugees' capacity to attend English classes. A number of refugees reported pressure from their JN provider to exit AMEP before the completion of their allotted English classes in order to take up employment. These refugees were left with

the impression that JN staff did not appreciate the importance of improving English proficiency and/or considered finding a job, no matter what, to be the highest priority in a refugee's life. Because compliance with JN requirements is a condition of receiving Centrelink support, but attendance at AMEP is voluntary, refugees feel that they have no choice but to adhere to JN demands, even if doing so may compromise their longer term settlement outcomes.

Although there is little doubt that refugees and humanitarian entrants can benefit from assistance to negotiate the job market, the JN is currently ill-equipped to address the specific needs of this client group. Consequently, if refugees are able to find work that is occupationally matched or even any work at all, it is often despite their involvement with the JN.

RCOA recommends that, in preparation for the 2009 round of Job Network tenders, the Departments of Education, Employment and Workplace Relations and Immigration and Citizenship review the performance of Job Network agencies in supporting refugees and humanitarian migrants in their search for work, seeking feedback from service users and community representatives about current obstacles and options for improvement to the Job Network – including options for specialist migrant employment agencies and improved links with AMEP.

8.5 Income support for refugees

The overwhelming majority of refugees do not relish the prospect of spending extended periods of time out of work or receiving income support payments in lieu of employment. This level of dependency on the state and what they themselves refer to as "idleness" is not something refugees have been socialised into considering acceptable and are in fact significant contributors to feelings of despondency, frustration, anxiety, depression and even fantasies of returning home despite no improvement in the security situation in those countries. However, an inability to find employment in the formal labour market and the near absence of an informal economy means that many refugees are forced to rely on income support payments received through Centrelink in order to support themselves and their families during some time in their settlement process.

Centrelink has taken steps to respond well to the needs of refugees, especially during their initial period of settlement in Australia. Refugees and humanitarian entrants are reporting that there has been a noticeable improvement in the customer service skills of frontline Centrelink staff who demonstrated a greater awareness of the needs of refugee clients. Centrelink's improved support of refugees includes the introduction of special assistance payments for refugees and humanitarian entrants in recognition of the additional financial needs that refugees may have during this time. However, as with other income transfers, there is a limited window within which refugees can apply for this payment. In the case of the special assistance payment, refugees must apply for it within the first seven days of their arrival in Australia. This is a tall ask particularly for humanitarian entrants supported by proposers who may not become aware of their eligibility for the payment until after the seven day application period has expired.

After the immediate post-arrival period, however, such income support comes with strings attached. If they are assessed as having the capacity to engage in paid work, as part of their "mutual obligation" requirements, refugees must attend regular interviews with Centrelink staff, attend job training programs, apply for 10 jobs each fortnight, and otherwise adhere to Centrelink requirements in a specific manner within specified timelines unable to be waived. The consequences of non-adherence or "breaching" are severe and comprise partial or full loss of income support payments for between two and eight weeks. These consequences are rendered even more harsh when the breach occurs because of an error on the part of Centrelink and not the client. The impacts of the breaching regime on people whose only income is derived from Centrelink have been well-documented and include destitution, resort to criminal activity and

homelessness.⁸⁶ Refugees who are also heavily reliant on Centrelink income support because they do not have savings or relatives and community members on whom they can rely for assistance, have experienced similar consequences. Although there is little research outlining the extent to which refugees are penalised under the breaching regime, many refugees attending consultations reported having to contend with or being threatened with penalties for unintentional breaches.

While refugees are as liable to fall foul of the vagaries of Centrelink's operations and requirements as the agency's other vulnerable clients, there are additional problems facing refugees that means that their risk of breaching is increased and thus that the potential impact on their livelihoods posed by the loss of income support is even greater.

- Centrelink tends to communicate with clients via letter and, although translation services are available, this is not always obvious to the refugee receiving the letters, which tend to be written in a manner that is not entirely clear to many refugee recipients.
- Refugees who experience difficulties complying with Centrelink requirements due to mental or physical health problems and family obligations are penalised for their disadvantage. Many refugees felt that there was a lack of understanding and flexibility on the part of Centrelink staff that the challenges of resettlement and the consequences of their migration experience may make it more difficult to perform activities such as attend particular interviews or remain in particular forms of employment.
- Some refugees are supporting large families in Australia and thus more than one person relies on the income support they receive. The impact of loss of that income, even for a short period of time, can and does amount to the punishment of other family members, often children. Loss of income support also forces refugees to rely on other community members, settlement agencies and charities to provide assistance.
- The consequences of failing to comply with Centrelink requirements are not always made clear to refugees who find out that they have had their payments cut only after that penalty has already been imposed.
- Lack of flexibility in the imposition of penalties. Because many refugees rely so heavily on income support payments, they are keen to meet all requirements. However, unintentional breaches can and do occur but Centrelink staff at first instance do not appear to be able to exercise any discretion to prevent payments from being cut. Refugees must go through the appeals process if they hope to remove the penalty.
- Appeals processes are complicated and difficult for refugees to access. Other disadvantages facing some refugees, including lack of familiarity with Australian bureaucracy and low English proficiency, make it especially hard for refugees to assert their rights with Centrelink. This is made all the more difficult when appealing the penalty must be done while enduring the imposition of that penalty.

Although Centrelink staff are increasingly more in tune with the needs and experiences of refugee clients, the draconian "breaching regime" continues to have serious effects for refugees and humanitarian entrants who may unintentionally find themselves in breach of Centrelink requirements. Loss of income support for any period of time is especially harsh for refugees who have other family members to support and no other networks on which to rely in the absence of government transfers. It is also important to keep in mind that refugees are a particular subset of job seekers and recipients of income support payments. Their migration experience may mean that moving off income support at all costs may not be the most appropriate or desirable highest priority for these migrants and the Australian community at large.

RCOA recommends that Centrelink conduct a review of the impact of its breaching regime on humanitarian entrants.

⁸⁶ See, for instance, Sue Lackner and Greg Marston (2003) *System Error: An Analysis of Centrelink Penalties and Job Network Participation Reports*. Centre for Applied Social Research, RMIT, Melbourne; National Welfare Rights Network and ACOSS (2000) *Doling out Punishment: The Rise and Rise of Social Security Penalties*. ACOSS Info 220, ACOSS, Sydney; The Salvation Army Southern Territory (2001) *Stepping into the Breach: A Report on Centrelink Breaching and Emergency Relief*. The Salvation Army, Victoria.

8.6 A whole-of-government approach to employment pathways

With the move towards the mainstreaming of settlement services, refugees and humanitarian migrants are expected to rely on government departments and contractors outside of the Department of Immigration and settlement agencies for assistance with finding employment and ensuring some form of income support in the meantime. For mainstreaming to work effectively, there must be greater coordination, communication and skills-sharing between all government departments who encounter refugee clients, to ensure that the requirements that each imposes on refugees do not make settlement more difficult, but instead allow for a more effective use of resources to respond to the needs of refugees to find appropriate employment pathways.

RCOA recommends that the Australian Government commission a review of the impact of its current policies and funding priorities across all portfolios on the employment outcomes of humanitarian entrants. This review would:

- ***draw together representatives of Federal Government agencies including the Departments of Immigration and Citizenship, Education, Employment and Workplace Relations, Human Services, Prime Minister and Cabinet, and Families, Housing, Community Services and Indigenous Affairs, and the Human Rights and Equal Opportunity Commission;***
- ***seek broad public input, including from refugees and humanitarian migrants, settlement services, employment services, business representatives, trade unions, education providers, State and Territory government agencies and local government; and***
- ***develop a strategy for change, nominating policy changes, improvements to government-provided services and government-funded services, funding priorities and areas for cooperation with other levels of government, business, non-government services and community groups.***

8.7 Community responses to employment challenges

The difficulties encountered by refugees and humanitarian entrants in relying on mainstream services to provide them with the assistance they require to obtain the employment outcomes they want has led refugee community groups and settlement agencies to developing their own initiatives to better respond to the needs of refugees. However, because of the emphasis on mainstreaming, very few of these programs are funded by the Department of Immigration. Nevertheless, they provide some good practical models for alternatives or supplements to the general services already on offer.

- Skilled migrant placement programs. One Migrant Resource Centre in NSW has obtained SGP funding to employ a skilled migrant placement officer to provide targeted assistance to skilled migrants to enable them to upgrade their skills, gain skills recognition, and/or tap into appropriate job markets.
- Employer education programs. Migrant Resource Centres and some Legal Aid offices are providing training to employers on their obligations under anti-discrimination legislation and the refugee experience in an effort to encourage them to avoid discriminatory employment practices.
- Professional mentoring programs. These team members of the general Australian community with refugees to provide them with direct assistance to find appropriate employment.
- Vocational education programs linked to language skills. These have proved especially useful for women who may be pre-literate and/or have experience working in the informal sector in their home countries.

9. COUNTRY PROFILES

9.1 Burma (officially Myanmar)

9.1.1 Impacts of military rule

While currently ruled by a military junta, the Burmese people have experienced decades of oppression under a succession of military regimes. There are more than 500,000 Burmese internally displaced and more than 500,000 who have fled to neighbouring countries. War and militarisation has caused social and economic devastation. Forced labour practices, displacements, political imprisonment and executions and other contraventions of human rights have become common practice.⁸⁷

The Bamar or Burman are the dominant ethnic group in Burma; however, there are over 100 different ethnic groups and sub-groups. Burma has one of the most ethnically diverse populations in South East Asia. Each ethnic group has its own customs and cultures and, while they have similarities with one another, each remains identifiably unique.

The nature of the persecution experienced by Burma's ethnic minorities has exacerbated existing rivalries and resulted in varying levels of distrust between some ethnic groups and between different religions. It is important not to view Burmese refugees as an homogenous group. For example, even within the Chin State there are a number of different ethnic groups with their own languages and not all will identify as 'Chin'.

9.1.2 Internally Displaced Persons (IDPs)

Conservative estimates place the number of displaced persons, mainly in the eastern region of Burma at 500,000 and reports confirm that the IDP crisis is worsening.⁸⁸ Recent government offensives against insurgent groups have resulted in significant displacements, particularly in the Karen State. The Internal Displacement Monitoring Centre reports that many people have fled to either temporary sites in ceasefire areas, designated relocation sites or are in hiding near their villages.⁸⁹ IDP settlements exist on the Burmese side of the border with Thailand, yet refugees have been refused entry due to overcrowding in the camps.⁹⁰

NGO workers have raised concerns about the health conditions of those inside and around border camps where there is a lack of secure and sufficient food supply and only basic health facilities are supplied; this is especially true for those refugees living outside the camp's borders. NGO workers have also raised concerns about violence against women inside the camps and in the surrounding countryside.⁹¹

9.1.3 Flight of refugees from Burma

Since 1988 nearly a million Burmese have sought refuge, predominantly in Thailand but also in neighbouring countries such as Bangladesh, Malaysia and India.

⁸⁷ DIAC (2006): *Burmese Community Profile* http://www.immi.gov.au/living-in-australia/delivering-assistance/government-programs/settlement-planning/_pdf/community-profile-burma.pdf, viewed: 14/01/08

⁸⁸ Internal Displacement Monitoring Centre (2007), *A worsening crisis of internal displacement*, online at <http://www.internal-displacement.org>

⁸⁹ Internal Displacement Monitoring Centre (2007), *A worsening crisis of internal displacement*, online at <http://www.internal-displacement.org>

⁹⁰ Human Rights Watch (2007): *Burma: Army Attacks Displace Hundreds of Thousands: Grave Abuses in Ethnic Minority Areas Fuel Growing Humanitarian Crisis* <http://hrw.org/english/docs/2007/10/25/burma17168.htm>, viewed: 25/10/07

⁹¹ DIAC (2006): *Burmese Community Profile* http://www.immi.gov.au/living-in-australia/delivering-assistance/government-programs/settlement-planning/_pdf/community-profile-burma.pdf, viewed: 14/01/08

Bangladesh

The Rohingya are a minority ethnic group in Rakhine State in Western Burma and have been fleeing oppression there for decades.⁹² The largest group fled to Bangladesh (240,000) in 1991-92.⁹³ Bangladesh, however, has been a reluctant host and is not a signatory to the 1951 Refugee Convention. Citing overpopulation and land scarcity, successive governments have forcibly repatriated most of the refugees since 1994, despite the fact that the situation in Burma had not significantly improved. Since 1992, Bangladesh has refused to grant the Rohingya refugee status. Only two official UNHCR camps now remain near Cox's Bazaar which together host about 28,000 refugees.⁹⁴ Almost 45% of the refugee population was born in the camps and 64% are under the age of 18. It is reported that between 200,000 and 300,000 Rohingyas have settled in areas around Cox's Bazar and of these an estimated 7,500 squat close to the river in Teknaf.⁹⁵ They have no access to protection or services by UN organisations (UNHCR, WFP) and access by international and local NGOs is strictly controlled by the Bangladeshi Government. Refugees are unable to return to Burma where they will encounter severe discrimination and there has been very limited third country settlement of refugees in Cox's Bazar.

Malaysia

There are approximately 40,000 persons of concern to the Office of the UN High Commissioner for Refugees (UNHCR) in Malaysia, the majority Burmese ethnic minorities. Malaysia is not a signatory to the 1951 Refugee Convention or its 1967 Protocol, and Burmese refugees are subject to arrest, detention and deportation. The Government of Malaysia does not distinguish between refugees, asylum seekers, and illegal migrants.⁹⁶ Many refugees are living in makeshift camps in the jungle, where they face a host of health problems such as dengue fever transmitted through mosquitoes, diarrhoea from untreated water, and jaundice caused by malnutrition.⁹⁷ There have also been reports of abuse by the Malaysian authorities, including a recent raid where one settlement was burnt to the ground. Recently the Zomi Association of Australia has raised concerns to the Refugee Council about the situation of Zomi people in Malaysia. Zomis are an ethnic group predominantly from the Chin State, in Burma. Zomi report discrimination by the Chin Refugee Committee (CRC) who act as a conduit for communication between the refugees and the UNHCR as well as some of the embassies. The community is concerned that this is having an impact on Zomi access to UNHCR registration and resettlement, as well as access to healthcare and services available to other refugees.

India

Refugees from Chin State in Burma have been fleeing to the neighbouring state of Mizoram in India since 1988. A large number of Chins have fled to India to escape the religious, cultural and political persecution in their own state, where the majority of the population is Christian.⁹⁸ Around 80,000 unrecognized Burmese refugees are currently taking refuge in Mizoram.⁹⁹ Here they live without protection and with limited access to health care and accommodation. While the Indian Government recognises refugees from Sri Lanka and Tibet, the Chin in Mizoram come under the jurisdiction of India's *Foreigners Act* of 1946 which makes no distinction between illegal immigrants

⁹²The Economist (2007): *Myanmar's Rohingyas: No Place like Home*. 29 November 2007

http://www.economist.com/world/asia/displaystory.cfm?story_id=10214763, viewed: 18/01/08

⁹³ Médecins Sans Frontières, MSF (2007) *Tal Makeshift Camp: No one should have to Live Like This. The Rohingya People from Myanmar Seeking Refuge in Bangladesh - An MSF Briefing Paper*.

http://www.msf.org/source/countries/asia/bangladesh/2007/msf_stateless_rohingyas_briefing_paper.pdf, viewed: 18/01/08

⁹⁴ Médecins Sans Frontières, MSF (2007) *Tal Makeshift Camp: No one should have to Live Like This. The Rohingya People from Myanmar Seeking Refuge in Bangladesh - An MSF Briefing Paper*.

http://www.msf.org/source/countries/asia/bangladesh/2007/msf_stateless_rohingyas_briefing_paper.pdf

⁹⁵ MSF reports indicate 7,500 however Government of Bangladesh statistics stand at 9,500

⁹⁶ Refugees International (2007): *Malaysia: Government Must Stop Abuse of Burmese Refugees and Asylum Seekers*.

<http://www.refugeesinternational.org/content/article/detail/10005/>, viewed: 18/01/08

⁹⁷ Zomi Association of Australia (2008): *Discrimination against Zomi Refugees in Malaysia*, unpublished document

⁹⁸ Refugees International (2004): *Between a Rock and a Hard Place: Burmese Chin Refugees in India*.

<http://www.refugeesinternational.org/content/article/detail/3047/>, viewed: 18/01/08

⁹⁹ Cf. The Campaign for Democracy Movement in Burma (CDMB): <http://www.khonumthung.com/kng-news/07-news-archive/dec-07-news/chin-women-meet-indian-mps-in-new-delhi/>, viewed: 18/01/08

and refugees. As a result they are subject to arrest, detention and sometimes forced repatriation. However, Burmese who are able to get to New Delhi are able to access the offices of UNHCR.

Thailand

Over 140,000 Burmese refugees are hosted in nine main camps along the Thai-Burma border whereby assistance is provided for by non-governmental organisations (NGOs) and the Royal Thai Government in partnership with UNHCR. The majority of these refugees are Karen who have fled continuing conflict in the Karen State. The camps along the border have limited access to food, health and education. According to the Thailand Burma Border Consortium (TBBC) there are currently 141,502 Burmese refugees on the border in Thailand. Thailand offers only minimal safety and protection, and women and children are particularly vulnerable to trafficking, sexual and physical exploitation and forced labour. There has been an increase in the number of Burmese children who have arrived alone in Thailand, as well as cases where families are separated once they arrive. Children whose parents are working are often left alone and become particularly vulnerable. These children do not have access to schools in Thailand.¹⁰⁰

9.1.4 Resettlement needs

Bangladesh

Médecins Sans Frontières (MSF) has been providing much needed basic health care, nutritional services, potable water and sanitation facilities to the Rohingyas in Teknaf. They have also brought attention to the gravity of the situation and the inadequacy of these provisions in addressing the root problem: resettlement of camp-based Rohingya to third countries is very limited. Any solution to the protracted refugee problem of the camp-based Rohingya would likely involve a burden-sharing arrangement whereby at least some of these refugees would require a third country to accept them for resettlement. The resettlement of some of these refugees from these camps may help to reduce the pressure exerted by the Bangladeshi authorities on the remaining population.¹⁰¹

Malaysia

Many Burmese refugees from Chin State have been living for several years in Malaysia but only a few have been locally integrated. Many are continually moving, seeking shelter and employment wherever it's available. Some face exploitation as day labourers or pick up irregular, illegal jobs in order to bribe local authorities and police. The Burmese refugees are in constant fear of informal detention and deportation where they can be separated from their families for months, or even years, while their cases are being decided.¹⁰² In 2007, several thousand of the approximately 20,000 Burmese refugees from Chin State, who are primarily Christian, were resettled in the United States. There is an urgent need for an increase in the resettlement of Burmese refugees predominantly from Chin State who, due to the prospect of facing extreme danger, are unable to return to their home country.¹⁰³

India

The refugees from Chin State who travel from Mizoram to Delhi expect to be recognised by UNHCR soon after arrival. However, the reality is that they often face a long and excruciating wait to be processed. During this period, refugees are usually dependent on other Burmese, who themselves have very limited resources. Resettlement countries need to consider resettlement of vulnerable cases from Delhi because of the highly unlikely prospect of change in India's current discriminatory refugee law.¹⁰⁴

¹⁰⁰ Cf. Women's Commission for refugee women and children (2006): Abuse without end: Burmese women and children at risk of trafficking http://www.womenscommission.org/pdf/mm_traff.pdf, viewed: 16/01/08

¹⁰¹ Cf. Refugees International (2006): *The Rohingyas: Discrimination in Burma and Denial of Rights in Bangladesh*.

<http://www.refugeesinternational.org/content/article/detail/9137>, viewed: 18/01/08

¹⁰² Refugees International (2004): *Between a Rock and a Hard Place: Burmese Chin Refugees in India*. <http://www.refugeesinternational.org/content/article/detail/3047>, viewed: 18/01/08

¹⁰³ Refugees International (2007): *Malaysia: Government Must Stop Abuse of Burmese Refugees and Asylum Seekers*. <http://www.refugeesinternational.org/content/article/detail/10005/>, viewed: 18/01/08

¹⁰⁴ Refugees International (2006): *Burmese Refugees in New Delhi: Self-Sufficiency Goals Not Being Met*. <http://www.refugeesinternational.org/content/article/detail/8743/>, viewed: 18/01/08

Thailand

Resettlement seems to be the most appropriate solution for Burmese refugees who are living in refugee camps on the Thai border, as local integration and repatriation has proved to be a non-viable option. In December 2007, UNHCR reported that more than 20,000 Burmese refugees had been resettled in third countries since 2005. Approximately 11,700 have been resettled in the United States. Australia has accepted 2,154 Burmese refugees from Thailand. Other countries involved in the Burmese resettlement program include Canada, Finland, Great Britain, Ireland, the Netherlands, New Zealand, Norway and Sweden.¹⁰⁵

9.1.4 Australia's resettlement of Burmese refugees

2007-08 has been characterised by a continued shift in offshore visa grants away from Africa and towards the Middle East and Asia, reflecting greater access to resettlement caseloads in these regions and taking into account resettlement priorities recommended by UNHCR.¹⁰⁶

During the 2007-08 financial year, Australia allocated an estimated \$14 million¹⁰⁷ out of a total \$3.1555 billion¹⁰⁸ in Official Development Assistance (ODA) to Burma in response to the dire situation faced by the Burmese people. In particular, there is a focus on health, creating sustainable livelihoods and security. The Australian Government announced in October 2007 that a further \$4.3 million in humanitarian assistance would be provided.¹⁰⁹

It is estimated that this financial year 2,600 refugees from Burma, mostly Karen, will resettle in Australia, the largest number thus far. Their arrival represents a significant increase in the Karen population in Australia and more than doubles the total number of humanitarian arrivals from Burma in the last five years.¹¹⁰

9.1.5 Challenges during the resettlement process

Due to the nature of the persecution by the Burmese military government and the divisions that have developed between different ethnic groups, some refugees may have a general mistrust or suspicion of anybody in a position of authority. This may include health professionals and doctors, social and welfare workers, interpreters and even other Burmese community workers; especially those from the older generation. This fear may prevent some Burmese refugees from attending health checks and receiving the necessary assistance they require.

In particular many concerns have been raised about the use of interpreters in the many Burmese languages. Reports received include the following problems:

- Interpreters claiming to be fluent in certain languages when they are not
- Interpreters lacking the experience to interpreting complex discussions, particularly in the medical or legal area
- Interpreters purposefully misinterpreting information and making value judgements on clients
- Lack of trust in the interpreters level of confidentiality

RCOA suggests that emphasis be placed on ensuring that interpreters undergo accreditation and that a clear mechanism for feedback and complaints is in place and communicated to all new refugees.

¹⁰⁵ UNHCR (2007): Thailand: More than 20,000 Myanmar refugees resettled in third countries <http://www.unhcr.org/news/NEWS/475e6cdf2.html>, viewed: 14/01/08. Note that the USA will be dramatically increasing its resettlement intake from the Thai-Burma border in 2008-09.

¹⁰⁶ DIAC (2007): *Annual Report 2006-07* <http://www.immi.gov.au/about/reports/annual/2006-07/index.htm>, viewed: 18/01/08

¹⁰⁷ AusAID (2007) Australia's Aid Program <http://www.ausaid.gov.au/makediff/default.cfm> viewed: 25/01/08

¹⁰⁸ AusAID (2008) Country Profile Burma 2007-08 <http://www.ausaid.gov.au/country/country.cfm?CountryID=8493641&Region=EastAsia>, viewed: 25/01/08.

¹⁰⁹ AusAID (2007) Minister for Foreign Affairs: Alexander Downer. Media Release. http://www.ausaid.gov.au/media/release.cfm?BC=Media&ID=2915_4858_5472_7353_3134, viewed 25/01/08.

¹¹⁰ DIAC (2008): Settlement Database: Numbers of Migration Stream for Burmese humanitarian entrants. http://www.settlement.immi.gov.au/settlement/reportList.do?row_nr=0, viewed: 17/01/08

9.2 Iraq

9.2.1 Background to the current refugee and displacement situation in Iraq

At certain points in its recent history, Iraq has been plagued by war, occupation and military dictatorships that have forced its citizens to flee and seek protection in neighbouring countries or through UNHCR's resettlement program. During this time, various groups have faced persecution of varying intensities, including the Shi'a Muslims, Kurds, Christians, Sabeen-Mandean, Palestinians, Marsh Arabs, political dissidents, unionists, journalists and artists. Prior to 2003, large flows of refugees were associated with the Iran-Iraq War in 1980-1988, the first Gulf War in 1991, heightened attacks on independence and autonomy movements – especially among the Kurds.

In October 2003, US-led forces, including troops from Australia, invaded Iraq and deposed Saddam Hussein from office. Since that time, the US has presided over an occupation of the country. Although elections for an Iraqi government were held in 2005 and a new constitution drafted, the foreign military occupation remains in place, and the capacity for newly appointed domestic military forces to control violence appears to be negligible. In addition, the occupation has given rise to a heterogeneous guerrilla resistance movement that has waged constant attacks on occupation forces. The aftermath of the invasion has also been characterised by a dramatic increase in sectarian violence between groups in Iraq.

Since 2003, UNHCR estimates that almost one in five Iraqis have been forced to flee their homes. In addition to the 2.5 million Iraqis who have sought refuge in neighbouring countries, a further 2.4 million have been internally displaced. UNHCR estimates indicate that Syria is hosting around 1.4 million Iraqis and Jordan about 750,000 and 50,000 in Lebanon. A further 100,000 – 150,000 are living in Egypt with smaller pockets of Iraqi refugees also found in Malaysia, Israel, Indonesia and parts of Eastern Europe.¹¹¹

During the early years of the occupation, much of UNHCR's work with Iraqi refugees was informed by the assumption that the domestic situation in Iraq would stabilise and displaced Iraqis would be able to return to Iraq. Many Iraqis who had fled to neighbouring countries, also presumed that such displacement was only temporary, and as such often did not approach UNHCR for assistance or seek to establish any roots within their countries of asylum. However, while there have been small numbers of Iraqis who have returned to live in the country, as the security situation continues to deteriorate, the overwhelming majority no longer feel that they are able to return home, at least not in the short- to medium-term. In 2006, the spiralling violence led to an increasing number of Iraqis being displaced, necessitating a reassessment of UNHCR's priorities throughout the region. In fact, as the occupation is approaching its fifth year, the displacement situation in Iraq is on the verge of being classified as a protracted refugee crisis.

In 2007 the US Administration launched a "troop surge" in Iraq, increasing occupation forces to almost 200,000 troops, arguing that these efforts would improve the security situation for Iraqis.¹¹² The occupation forces have pointed to an apparent reduction in violence in the country, apparently indicating that it will soon be far more safe for Iraqis to live, work and study in their communities again.

However, the effects of the occupation continue to be profound and have compromised the capacity and willingness of Iraqis to return home. In some instances, the changing political landscape, persistent levels of violence, and destroyed infrastructure means that repatriation is almost impossible.

- It is estimated that more than one million civilians have been killed as a direct result of the conflict. Neither occupation forces nor the Iraqi government maintains records on the exact

¹¹¹ UNHCR (2007) *The Iraq Situation*, UNHCR, available: <http://www.unhcr.org/iraq.html>

¹¹² Stewart M. Powell (2007) "U.S. Quietly, Dramatically Increasing Iraq Troop Levels" *Hearst Newspapers*, 22 May 2007. Available: http://seattlepi.nwsource.com/national/316612_secondsurge22.html

numbers of civilians killed, and as such the international community must rely on sample surveys, polls, morgue records and newspaper reports to determine an approximate level of civilian casualties. The most recent of these published by the British-based ORB, estimates that since 2003 the civilian death toll is likely to amount to 1.2 million.¹¹³

- Access to basic infrastructure that existed prior to the invasion, such as clean water, operating sewerage facilities and regular electricity continues to be severely restricted. Local water supplies have been contaminated and electricity generators only operate for short hours during the day if at all. This has led to outbreaks of disease including cholera and dysentery. The World Bank has devoted \$175 million towards infrastructure projects, however, these have not yet been completed and their impact is likely to be isolated to Baghdad.¹¹⁴ The US government has also reported to have devoted \$16 billion for reconstruction efforts in the country, but admits that this has had little success in restoring services to pre-occupation levels.¹¹⁵
- The use of depleted uranium weaponry during the conflict has contaminated soil and water supplies. Highly radioactive residue from bullets is also scattered throughout even the most suburban and densely populated areas of Iraq, posing particular risk to children and local agriculture.¹¹⁶
- Targeted assassinations, kidnappings and assaults of members of the Iraqi intelligentsia. Hundreds of university lecturers, professors, scientists and scholars have been disappeared, murdered or assaulted by local militia and US forces. Most academics who have remained in Iraq continue to face threats on their lives.¹¹⁷
- Arbitrary arrest, detention and torture. Both members of the occupation forces, local Iraqi police and militia groups have been found to be engaging prison abuse, including of child prisoners. Individuals who are arrested often have no recourse and the criminal justice system in its current form is not able to address habeas corpus concerns.¹¹⁸
- Operation of death squads as part of, or under the imprimatur of Iraqi police forces and directed from the Ministry of the Interior. The occupation forces who have trained Iraqi police and with whom they routinely conduct joint operations have acknowledged that such extra-judicial killings are commonplace.¹¹⁹
- The continued presence of foreign troops has given rise to the creation of resistance movements that have taken up arms against the occupation. The attacks and counter-attacks between occupation forces and resistance groups has decreased the level of general security for civilians and increased the likelihood that will be caught up in the ensuing violence.¹²⁰ Many Iraqis whose lives have been adversely affected by the conflict through unemployment, loss of farming land and poverty have also joined resistance

¹¹³ Tina Susman (2007) "Poll: Civilian Death Toll in Iraq May Top 1 Million", *Los Angeles Times*, 14 September 2007. Available:

<http://www.commondreams.org/archive/2007/09/14/3839/>

¹¹⁴ The World Bank, *International Reconstruction Fund Facility for Iraq*.

<http://www.irffi.org/WBSITE/EXTERNAL/IRFFI/0,,contentMDK:20241710-hlPK:1285902-menuPK:497916-pagePK:64168627-piPK:64167475-theSitePK:491458,00.html> Last updated: 2007

¹¹⁵ James Glanz (2006) "Infrastructure in Iraq below Pre-War Levels" *New York Times News Service*, 9 February 2006. Available:

http://www.signonsandiego.com/uniontrib/20060209/news_1n9rebuild.html

¹¹⁶ Scott Peterson (2003) "Remains of Toxic Bullets Litter Iraq: The Monitor Finds High Levels of Radiation Left by US Armor-Piercing Shells". *Christian Science Monitor*, 15 May 2003. Available: <http://www.csmonitor.com/2003/0515/p01s02-woiq.html>

¹¹⁷ The Brussels Tribunal has compiled a list of 193 such academics: <http://www.brusseltribunal.org/academicsList.htm>

¹¹⁸ See, for instance: BBC (2007) "Judge Allows Iraq 'Abuse' Reports". *BBC News Online*, 31 January 2007. Available:

http://news.bbc.co.uk/2/hi/uk_news/7220486.stm; Michael Howard and Richard Norton-Taylor (2004) "UK Troops Accused of Mutilating Iraqi Bodies" *The Guardian*, 21 June 2004. Available: <http://www.guardian.co.uk/Iraq/Story/0,2763,1243712,00.html>; BBC (2006) "Iraq Torture 'Worse after Saddam'" *BBC News Online*, 21 September 2006. Available:

http://news.bbc.co.uk/2/hi/middle_east/5368360.stm

¹¹⁹ Andrew Buncombe and Patrick Cockburn (2006) "Iraq's Death Squads: On the Brink of Civil War" *The Independent*, 26 February 2006. Available: <http://www.independent.co.uk/news/world/middle-east/iraqs-death-squads-on-the-brink-of-civil-war-467784.html>

¹²⁰ US forces report that 80 per cent of violent attacks in Iraq are between US forces and Iraqi resistance: BBC (2006) "Iraq Violence: Facts and Figures" *BBC News Online*, 29 November 2006. Available: http://news.bbc.co.uk/2/hi/middle_east/5052138.stm

groups.¹²¹ Some Iraqi children have been driven to join armed militia groups because of disruptions to schooling and poverty.¹²²

- Increased social conservatism and power of fundamentalist groups has restricted rights and opportunities for women. From 1958 until the early 1990s Iraq was reputed for providing opportunities, rights and freedoms for women that far exceeded those of neighbouring states. During the 1990s and the 12 years of international sanctions, many of these rights were increasingly restricted, however Iraqi women continued to play an active role in Iraqi society. Since the occupation, however, in addition to the general level of insecurity experienced by all Iraqis, conservative religious groups have used the cover of the occupation to target, often through violent means, what they see as the flouting of religious conventions by women.¹²³
- Minimal employment opportunities. The destruction of infrastructure and persistent insecurity has contributed to high levels of unemployment in Iraq. Massive cuts to the Iraqi civil service and the disbanding of the local military forces have also resulted in large numbers of Iraqi citizens being rendered unemployed. Many Iraqis who were self-employed prior to the invasion are also finding it difficult to re-open businesses or return to work. The lack of job opportunities is further contributing to poverty and social dislocation.

Suggestions that repatriation has become a viable option given claims by U.S. officials and media reports that the recent troop “surge” is succeeding in its goals to reduce violence in Baghdad and the surrounding areas are questionable.¹²⁴ Even in light of the recent attempts to reduce the high level of violence, repatriation cannot be seen as a viable option while the occupation continues.

A UNHCR survey among Iraqi refugees in Syria indicated that 78% of those who registered or scheduled to register with UNHCR between 31 October and 25 November 2007 are from Baghdad. The data also suggests that 35% of these fled immediately after the “surge” between July and October 2007.¹²⁵ Thus, among the primary effects of the Iraq war and the “surge” have been to turn Baghdad into an overwhelmingly Shiite city, and to displace hundreds of thousands of Iraqis from the capital. Further, a poll conducted in August 2007 found that 70% of Iraqis (89% Sunni, 66% Shiite, 43% Kurdish) believed security had deteriorated in the areas that the “surge” forces had been sent.¹²⁶ Another poll conducted in the same month indicated that 72% of Iraqis (95% Sunni, 73% Shiite and 28% Kurdish) believed that the occupation is making security worse.¹²⁷

9.2.2 At risk populations in Iraq

While the current conflict poses significant dangers for almost all civilians living in Iraq, there continues to be some communities for whom such danger has been dramatically heightened. These communities have been either forced to flee their homes to relocate within Iraq, but for

¹²¹ Dahr Jamail and Ali al-Fadhily (2007) “Southern Tribes Add to Iraqi Resistance” *Inter-Press Service*, 19 January 2007 Available: <http://www.globalpolicy.org/security/issues/iraq/resist/2007/0119resistancesouth.htm>

¹²² IRIN (2007) “Poverty Drives Children to Work for Armed Groups” *Global Policy Forum*, 10 May 2007. Available: <http://www.globalpolicy.org/security/issues/iraq/attack/consequences/2007/0510povertydrives.htm>

¹²³ Marjorie P. Lasky (2006) *Iraqi Women Under Siege*. CodePink. Available: <http://www.codepink4peace.org/downloads/IraqiWomenReport.pdf>

¹²⁴ For example, the Guardian reported on November 1 2007 that the reduction in US fatalities and sectarian killings appears to confirm Pentagon claims that the “surge” strategy is working. Ewen MacAskill, “US troop fatalities plunge following ‘surge’ strategy,” *The Guardian*, November 1 2007. <http://www.guardian.co.uk/Iraq/Story/0,,2202900,00.html>

¹²⁵ UNHCR (2007), “Second IPSOS Survey On Iraqi Refugees (31st October – 25th November) Final Results,” <http://www.unhcr.org/cgi-bin/texis/vtx/home/openssl.pdf?tbl=SUBSITES&id=4795f96f2>

¹²⁶ ABC NEWS/BBC/NHK Poll, (September 2007), “Iraq: Where Things Stand,” Question 20, p. 25. <http://abcnews.go.com/images/US/1043a1IraqWhereThingsStand.pdf>

¹²⁷ *Ibid.*, Question 22, p. 26. Also, Karen DeYoung reported in the *Washington Post* on December 19, 2007 that: “Iraqis of all sectarian and ethnic groups believe that the U.S. military invasion is the primary root of the violent differences among them, and see the departure of ‘occupying forces’ as the key to national reconciliation, according to focus groups conducted for the U.S. military last month”. Karen DeYoung, (December 19 2007), “All Iraqi Groups Blame U.S. Invasion for Discord, Study Shows,” *Washington Post*, page A14. <http://www.washingtonpost.com/wp-dyn/content/article/2007/12/18/AR2007121802262.html?hpid=topnews>

others the only option has been to seek refuge across the border. In considering the prospects for and challenges associated with return, repatriation and resettlement, the specific difficulties faced by these groups thus need to be acknowledged. In addition, while there is often much focus on sectarian violence and the impact this has had on security and livelihoods, such violence does not necessarily pose the greatest threat to minority and other marginalised groups in Iraq or represent the sole cause of their displacement. Nevertheless it is clear that the semblance of comparative social and cultural tolerance that existed prior to the invasion is no longer a reality for most Iraqis and it is unclear as to when this situation may improve. In addition, the occupation has provided a *raison d'être* for the resurrection of old tribal feuds, inter-family conflicts and land disputes. Persecution in Iraq is therefore multi-faceted with some groups being targeted by more than one group for varying reasons, overlaid by general threats related to occupational status, gender and age and exacerbated by widespread violence and insecurity.

Some of the groups most adversely affected by the current conflict and for whom repatriation to Iraq is difficult in present circumstances and will possibly continue to be so in the short- to medium-term include:

- Ethnic and religious minorities. Palestians, Chaldeans, Assyrians, Kurds, Christians, Roma, Sunni and Shi'a, Turkmen and Sabeen-Mandean are among the groups who are victims of sectarian violence.¹²⁸ While these attacks are often waged on account of individuals' ethnic origin or religious affiliation, such characteristics were generally previously muted and rarely formed the basis of significant discrimination or social discord. Consequently, Iraqis who are in culturally-mixed marriages, live in areas where they are not among the dominant cultural group, or associate with individuals from other religious groups are more likely to be singled out for attack.
- Former Ba'athists. Membership of the Ba'ath Party was considered, in many instances, a pre-requisite for obtaining positions in Iraqi public life. Former Ba'athists are now often seen as throwbacks to Saddam's Iraq and as such have been targeted.
- Academics, scholars and scientists. The Brussels Tribunal contends that over 250 academics have been murdered and many hundreds more have disappeared. The organisation further alleges that no-one has been apprehended in connection with these assassinations.¹²⁹ It appears that academics have been targeted irrespective of political or religious affiliation.¹³⁰
- Civil servants, human rights and NGO workers. Judges, lawyers, union leaders and human rights activists in Iraq continue to be at risk of abduction, death threats, and attacks by occupation forces and armed groups, especially when they work on terrorism-related cases.¹³¹ Human rights organisations and workers are also subject to onerous registration procedures by the Iraqi administration that often disrupts their work. They are often targeted by armed groups who perceive them to be supporting the Iraqi government and occupation forces.¹³² As a result of death threats, kidnappings and attacks, some NGOs have moved their offices to operate out of neighbouring countries.¹³³ NGO and humanitarian workers aiding vulnerable groups who share a common characteristic, such as religious affiliation, are themselves often perceived to be supporting those groups and are subsequently open to attack.

¹²⁸ The Refugee Council acknowledges the complex history of these groups in Iraq, noting that it is beyond the scope of this country profile to explore the historical connections and relationships between these groups and their position in Iraqi society. Suffice to say, however, that it is the complex intersections between these groups developed over hundreds of years in many locations across the Middle Eastern Diaspora that has contributed to the challenges in deconstructing the present tensions.

¹²⁹ Brussels Tribunal Organisation (2006) *22-23 April 2006: Madrid International Seminar on the Assassination of Iraqi Academics*, <http://www.brusseltribunal.org/pdf/AcademicsDossier.pdf>, p 3.

¹³⁰ IRIN (2006) *IRAQ: Activists call for protection of academics*, available: <http://www.irinnews.org/report.aspx?reportid=26049>

¹³¹ Amnesty International (2007) *Amnesty International Report 2007 – Iraq*, available: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=46558ecf5>

¹³² United Kingdom Border and Immigration Agency (2008) *Country of Origin Information Report. Iraq*, available: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=479dcfc12>, p 137.

¹³³ United Kingdom Border and Immigration Agency (2008) *Country of Origin Information Report. Iraq*, UKBIA, London, UK, available: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=479dcfc12>, p 137.

- Journalists. Reporters in Iraq face significant risk of abduction, detention, harassment, ill-treatment and targeted attacks by the occupation forces, Iraqi forces, insurgents and militia.¹³⁴ Several organisations including Reporters sans Frontières (RSF) and the Committee for the Protection of Journalists (CPJ) have argued that Iraq is the most dangerous place in the world to work as a journalist.¹³⁵ CPJ estimates that 139 journalists and media workers (including drivers, translators and camera men) have been killed since March 2003.¹³⁶ CPJ believes that while some of these deaths have been caused by journalists being caught in cross-fires, most deaths have been caused by journalists being targeted by armed groups. Although all journalists working in Iraq are at risk, the vast majority of journalists and media workers who have been killed in Iraq to date are Iraqis.¹³⁷
- Translators, drivers and those working for occupation forces. With the reduction in other employment activities for Iraqis, some have taken jobs with occupation forces. Although these individuals are crucial for ensuring that communication needs are met, and that foreigners are able to access certain areas of the country, their work has put them in an increasingly dangerous position because they are frequently seen as collaborators with the occupation forces.¹³⁸
- Women and girls. The general violence and instability in Iraq coupled with increasingly conservative societal attitudes have had a detrimental impact on women's rights and safety in Iraq. Violence against women and girls, including rape, "honour killings", threats and other forms of sexual violence continue unabated and prosecution of offenders is rare. It is also believed that crimes of sexual violence are underreported as many women fear social stigmatisation or "honour killings".¹³⁹ Women human rights activists are particularly at risk of abuse and attacks from armed groups and religious extremists.¹⁴⁰ Similarly, women from minority groups face high risks of rape, and other forms of gender-based violence, threats and intimidation.¹⁴¹ Fears of kidnapping, rape and attacks means that many women are afraid to leave their homes. This is affecting the ability of many women to maintain employment, attend school or university, and access medical treatment. Human Rights Watch argues that the main reason why women have become so vulnerable is the failure of the occupation forces to maintain public security in Iraq, noting that since the occupation there has been a decline in the presence of police in the streets, and fewer police available to investigate complaints.¹⁴²
- Entire town populations displaced through military operations. As part of their efforts to clear "insurgents" from particular areas in Iraq, occupying forces have encouraged all civilians living in those areas to relocate or else run the risk of being considered legitimate targets for counter-insurgency attacks. Bombing and door-to-door raids on major cities such as Fallujah in 2004 were preceded by exhortations from occupying forces for the

¹³⁴ *Middle East press releases: 2007 Archives*, quoted in United Kingdom Border and Immigration Agency (2008) *Country of Origin Information Report. Iraq* <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=479dcfc12>, p 132.

¹³⁵ Committee to Protect Journalists (2007) "Attacks on the Press in 2006", <http://www.cpj.org/attacks06/mideast06/iraq06.html>. See also Reporters sans Frontières (2006) *Three years of slaughter in Iraq*, 20 March 2006

http://www.rsf.org/article.php3?id_article=16793 reported in United Kingdom Border and Immigration Agency (2008) *Country of Origin Information Report. Iraq* <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=479dcfc12>, p 132.

¹³⁶ Committee to Protect Journalists, February 2007, "Attacks on the Press in 2006", <http://www.cpj.org/attacks06/mideast06/iraq06.html>, p1 reported in United Kingdom Border and Immigration Agency (8 January 2008) *Country of Origin Information Report. Iraq* <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=479dcfc12>, p 132.

¹³⁷ Human Rights Watch (2005) *A Face and a Name*, 3 October 2005 <http://hrw.org/reports/2005/iraq1005/iraq1005.pdf>.

¹³⁹ Human Rights Watch (2003) *Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad*, http://hrw.org/reports/2003/iraq0703/1.htm#_Toc45709960

¹⁴⁰ Amnesty International (2007) *Amnesty International Report 2007 – Iraq*, <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=46558ecf5>

¹⁴¹ United Kingdom Border and Immigration Agency (8 January 2008) *Country of Origin Information Report. Iraq* <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=479dcfc12>, p 137.

¹⁴² Human Rights Watch (2003) *Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad*, http://hrw.org/reports/2003/iraq0703/1.htm#_Toc45709960, Summary.

300,000 residents to vacate.¹⁴³ Town clearances are also a feature of the activities of some ethnic and religious militias, attempting to create areas only accessible and populated by certain groups.¹⁴⁴

9.2.3 Local integration

While repatriation is not a viable option, neither is it likely that the millions of refugees that have fled to Iraq's neighbouring countries can be successfully integrated into the local population. Although initially welcoming the responsibility to temporarily host the majority of the estimated 2.2 million refugees fleeing from Iraq, Syria and Jordan are now finding it an increasingly unsustainable drain on their economies to continue to support the large numbers of Iraqis within their borders. Furthermore, Jordan and Syria are not signatories to the 1951 Refugee Convention that guarantees basic refugee rights.¹⁴⁵ The current conditions facing the large majority of Iraqi refugees are an additional barrier to the possibility of local integration.

9.2.4 Iraqi refugees in Jordan

Access to asylum

To enter Jordan Iraqi refugees have to be over 40 years old or younger than 20 and must prove that they have the funds to support themselves.¹⁴⁶ Iraqis must secure visas that need to be renewed from outside Jordan. Due to the difficulty of renewal, many refugees end up overstaying their visas, which contributes to the fear of being deported.¹⁴⁷

Employment

To be able to obtain a residency card Iraqis need to prove that they have sufficient funds to support themselves. Without a residency card refugees do not have a right to work, and work permits are not issued.¹⁴⁸ This forces Iraqi refugees to work illegally and results in the creation of a massive poverty problem.

Health

In Jordan Iraqi refugees receive free child vaccinations, and have access to health facilities, however, they must pay more than Jordanian citizens.¹⁴⁹ Due to poverty, and no legal right to work, health facilities are unaffordable. There is also no focus on mental health services, for torture and trauma.

Education

In August 2008 Jordan passed a law that allowed Iraqi refugee children to attend school for free.¹⁵⁰ There is an estimated 200,000 – 250,000 Iraqi school-age refugees, but only an estimated 20,000

¹⁴³ Rory McCarthy (2004) "UN fears for refugees who fled attack on Falluja" *The Guardian*, 3 December 2004. Available: <http://www.guardian.co.uk/Iraq/Story/0,2763,1365163,00.html>

¹⁴⁴ Ashraf Al-Khalidi and Victor Tanner (2007) "The Remorseless Rise of Violence and Displacement in Iraq" in *Refugees*, No. 146, Issue 2 pp. 4-13.

¹⁴⁵ American Friends Service Committee, (2008), *Iraqi Refugee and IDP Assessment Summary Report*. Available: <http://www.afsc.org/iraq/refugees/report.htm>

¹⁴⁶ IRIN- Humanitarian News and Analysis, (2007) *IRAQ: Plight of refugees worsens as Syria, Jordan impose restrictions*. Available: <http://www.alertnet.org/thenews/newsdesk/IRIN/3981375bf7b6a484e019c6eabbb366e7.htm>

¹⁴⁷ American Friends Service Committee, (2008), *Iraqi Refugee and IDP Assessment Summary Report*. Available: <http://www.afsc.org/iraq/refugees/report.htm>

¹⁴⁸ Human Rights First, (2007) *Fact Sheet: Iraqi Refugees in Jordan and Syria*. Available: http://www.humanrightsfirst.org/asylum/lifeline/pages.asp?country=iq&id=8&misc1=facts_country

¹⁴⁹ Ibid.

¹⁵⁰ American Friends Service Committee, (2008), *Iraqi Refugee and IDP Assessment Summary Report*. Available: <http://www.afsc.org/iraq/refugees/report.htm>

are enrolled in school.¹⁵¹ This may reflect the need for children to work due to family poverty, inability to afford books and uniforms, or disability and mental health problems.¹⁵²

9.2.5 Iraqi refugees in Syria

Access to asylum

New laws from September 2007 require Iraqi refugees to have visas, which allow them to stay a maximum of three months, and must be renewed outside of Syria.¹⁵³ Recent changes in policy may reflect the view that the large number of refugees is considered a burden.¹⁵⁴

Employment

Iraqi refugees cannot legally work in Syria, as work permits are not issued.¹⁵⁵ This leads to problems of poverty, prostitution and the like.

Health

Iraqi refugees in Syria do have access to free child vaccinations. They also have access to the public health service for emergency care and can visit Syrian Red Crescent Clinics, which are specifically for refugees.¹⁵⁶ However, the treatment of chronic diseases such as cancer or heart disease is unaffordable.¹⁵⁷ Furthermore, there is no focus on mental health services for torture and trauma. A UNHCR survey of trauma among 754 Iraqi refugees indicates widespread depression and anxiety among interviewees and calls for programs to address mental health issues.¹⁵⁸

Education

Syria has always allowed Iraqi refugee children access to free public education. But as in Jordan, the number of enrolments in schools is extremely low when compared with the number of Iraqi refugee children living in the community. There are an estimated 350,000 school-age Iraqi refugees, and an estimated 30,000 are enrolled in schools.¹⁵⁹

9.2.6 Iraqi refugees in Egypt and Lebanon

Egypt and Lebanon host smaller but considerable numbers of Iraqi refugees (100,000–150,000 and 50,000 respectively), conditions in these countries also pose as a significant prohibitive factor in implementing a successful program of local integration.

Egypt

Egypt is a signatory to the 1951 Refugees Convention with employment and public service provisions that means Iraqis are not granted any official status or access to social services. Many Iraqis have run out of savings because they are unable to work legally without a permit, face high rents without income, are victims of kidnappings for extortions, face religious discrimination in a largely Sunni country, live in vast urban areas and are thus inaccessible to aid agencies, have fallen into illegal status and fear having to return to Iraq.

¹⁵¹ Human Rights First, (2007) *Fact Sheet: Iraqi Refugees in Jordan and Syria*. Available:

http://www.humanrightsfirst.org/asylum/lifeline/pages.asp?country=iq&id=8&misc1=facts_country

¹⁵² UNHCR (2007) *Trauma survey in Syria highlights suffering of Iraqi refugee Oct-Nov 2007*. Available: <http://www.unhcr.org/cgi-bin/texis/vtx/iraq?page=news&id=479616762>

¹⁵³ IRIN- Humanitarian News and Analysis, (2007) *IRAQ: Plight of refugees worsens as Syria, Jordan impose restrictions*. Available: <http://www.alertnet.org/thenews/newsdesk/IRIN/3981375bf7b6a484e019c6eabbb366e7.htm>

¹⁵⁴ American Friends Service Committee (2008) *Iraqi Refugee and IDP Assessment Summary Report*. Available: <http://www.afsc.org/iraq/refugees/report.htm>

¹⁵⁵ American Friends Service Committee (2008) *Iraqi Refugee and IDP Assessment Summary Report*. Available: <http://www.afsc.org/iraq/refugees/report.htm>

¹⁵⁶ UNHCR (2007) *Statistics on Displaced Iraqis around the World: Global Overview*. Available <http://www.unhcr.org/cgi-bin/texis/vtx/home/opedoc.pdf?tbl=SUBSITES&id=470387fc2>

¹⁵⁷ American Friends Service Committee (2008) *Iraqi Refugee and IDP Assessment Summary Report*. Available <http://www.afsc.org/iraq/refugees/report.htm>

¹⁵⁸ UNHCR (2007) *Trauma survey in Syria highlights suffering of Iraqi refugee Oct-Nov 2007*. Available <http://www.unhcr.org/cgi-bin/texis/vtx/iraq?page=news&id=479616762>

¹⁵⁹ Ibid.

Furthermore, the Egyptian authorities have reportedly closed their doors to new Iraqi refugees.¹⁶⁰

While most expected that the cost of living in Egypt would be lower, the inflation-ridden economy has dried up the savings Iraqis businessmen had brought with them. Given the difficulty in receiving a work permit, Iraqi women are then forced to engage in domestic work in Egypt's informal labour market which they are wholly unaccustomed to doing for others. While early arrivals immediately after the fall of Saddam were mostly Sunni, there now exists a significant number of Iraqi Shiites and Christians who face problems integrating into a population where, for example, Shiites are barred from praying in Sunni mosques and denied permission to build their own.¹⁶¹

Lebanon

The situation is equally, if not more, bleak in Lebanon. Lebanon is not a party to the Refugee Convention or to the *1967 Protocol Relating to the Status of Refugees*. In December of 2007, Human Rights Watch released a scathing 66 page report on the situation of Iraqi refugees in Lebanon, *Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon*, outlining the obstacles facing Iraqi refugees trying to survive in Lebanon.¹⁶²

Denied legal status, Iraqi refugees in Lebanon are constantly at risk of arrest and vulnerable to exploitation and abuse. Many never leave their homes unless absolutely necessary, which makes it difficult to secure an income and impossible to report themselves to the authorities as victims of a crime. Given women and children are less likely to be arrested, they bear the burden to securing employment. When Iraqis do manage to secure employment, they are often exploited for their illegal status, and paid far less than their Lebanese counterparts or sometimes not at all. Despite refugee children are being permitted to enrol in public schools, limited places, associated costs and pressures to contribute to the family income mean this is impractical. The cost of accessing health care is also a prohibitive factor for Iraqi refugees in seeking even minor medical treatment. All these pressures also take their toll on Iraqi families, some of which have collapsed under the constant financial stress, fear and uncertainty surrounding their day-to-day lives in Lebanon.¹⁶³

9.2.7 Resettlement

Only an estimated 7,000 Iraqi refugees have been resettled from Jordan since the end of Saddam's regime.¹⁶⁴ Resettlement numbers of Iraqi refugees from Syria are even fewer as resettlement countries have limited access to interview refugees in Syria.¹⁶⁵ While the UN High Commissioner for Refugees (UNHCR) and the UN Children's Fund (UNICEF) \$129 million appeal to educate Iraqi refugee children is a welcomed contribution,¹⁶⁶ it represents only a fraction of the costs and addresses only one of the numerous problems facing Iraqi refugees requiring integration into their local populations. While there is an urgent need for international financial support of host nations whose capacity has been outstripped by the sheer numbers of Iraqi refugees, equally important is the need for the international community to provide greater support to UNHCR's resettlement efforts, given the non-viability of repatriation and local integration as durable solutions to the Iraq refugee crisis.

¹⁶⁰ Refugees International (2007) "Egypt: Respond to the needs of Iraqi Refugees," 4 December 2007, Available:

<http://www.refugeesinternational.org/content/article/detail/9974/>

¹⁶¹ Lynn Yoshikawa (2007) "Iraqi Refugees in Egypt" 29(54) *Force Migration Review*, Available:

<http://www.fmreview.org/FMRpdfs/FMR29/54.pdf>

¹⁶² Human Rights Watch (2007) *Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon*, Volume 19, No. 8(E), available: <http://www.hrw.org/reports/2007/lebanon1207/>

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ UN News Centre, (2007) "UN launches \$129 million appeal to educate Iraqi children who have fled their homeland,"

<http://www.un.org/apps/news/story.asp?NewsID=23347&Cr=iraq&Cr1>

9.2.8 Specific settlement issues for Iraqi refugees in Australia

Australia has been resettling Iraqi refugees in notable numbers since the 1990s. At present it is estimated that there are 45,000 Iraqis living in Australia. While many of their settlement issues are similar to those confronted by other refugee communities, some are of particular import to Iraqi refugees and humanitarian entrants. These include;

- Occupational mismatch and difficulties in obtaining employment. Many Iraqi refugees are highly educated and have been previously employed in professional occupations. A large proportion of these are also fluent communicators in English. Nevertheless, Iraqi refugees struggle to have their qualifications recognised or to find work in the occupations for which they have been trained. It is not uncommon for refugees, upon becoming frustrated and disheartened with their inability to secure work of an appropriate occupational status, have sought and obtained more suitable work in other countries such as the United States, Canada, Oman and Dubai. Employment problems are also of particular concern for educated Iraqi women enjoyed high social status and recognition as working women in their home country but find it impossible to achieve comparative levels of employment in Australia. Consequently, these women feel isolated and many regret coming to Australia.
- Restrictions on obtaining Australian citizenship. A significant number of refugees from Iraq, especially those who would otherwise be stateless, do not have access to travel documents that permit them to readily travel overseas to visit relatives. As such, they rely on obtaining Australian citizenship to facilitate such contact with family members. The extension on the number of years a migrant must be a permanent resident in Australia before being eligible to obtain citizenship as well as the citizenship test itself, pose important barriers to Iraqi refugee and humanitarian entrants who are otherwise prevented from leaving and returning to Australia.
- Difficulty obtaining visas for relatives to visit. The problems Iraqi refugees encounter travelling overseas are compounded by the blanket restrictions that are often imposed on Iraqis travelling to Australia, even when those Iraqis have been residing for long periods of time outside of their home country.
- The ongoing effects of the onshore detention and temporary protection regime. Especially in the early days of the current conflict in Iraq, Iraqi refugees featured prominently among those who made onshore protection applications and were thus subjected to the regime of mandatory detention, sometimes in offshore detention centres, and temporary protection. Serious mental health problems, difficulties accessing family reunion and minimal access to settlement services adversely impacted on the capacity of these refugees to settle successfully in Australia in the short- to medium-term.

These settlement problems aside, Iraqi refugees and humanitarian entrants have continued to participate in their local communities as well as in broader Australian society. They have developed community organisations to work that have initiated employment networks, language education through home tutoring, women's support groups and community housing projects.

9.3 Sudan

9.3.1 Overview of the situation in Sudan

Since independence in 1956, Sudan has suffered fairly continuous fighting and instability throughout the country, including the protracted civil war between Northern and Southern Sudan, the conflict in Darfur and tensions in Eastern Sudan.

(a) North-South conflict

In 1955, one year before independence, fighting broke out between government forces and Southern rebel groups, continuing (other than during an 11 year period of peace between 1972 and 1983) until the recent Comprehensive Peace Agreement was signed in 2005. Although the civil war is sometimes portrayed as being caused by ethnic or cultural differences between North and South Sudan, various international bodies including UNHCR, Human Rights Watch (HRW) and Amnesty International (AI) have drawn attention to economic activity, particularly the issue of oil revenue, as a factor in the civil war. In a recent report on the issue of oil in Sudan, HRW contended:

The first export of crude oil from Sudan in August 1999 marked a turning point in the country's complex civil war, now in its twentieth year: oil became the main objective and a principal cause of the war. Oil now figures as an important remaining obstacle to a lasting peace and oil revenues have been used by the government to obtain weapons and ammunition that have enabled it to intensify the war and expand oil development. Expansion of oil development has continued to be accompanied by the violent displacement of the agro-pastoral southern Nuer and Dinka people from their traditional lands atop the oilfields. Members of such communities continue to be killed or maimed, their homes and crops burned, and their grains and cattle looted.¹⁶⁷

The North-South conflict has created the largest internally displaced population in the world, which is estimated to be approximately 4-6 million people. It is also estimated that there are 1.5 million refugees in neighbouring countries as a result of the civil war¹⁶⁸.

In May 2005, the Sudanese People's Liberation Army/Movement (SPLA/M) and the Sudanese Government signed the Comprehensive Peace Agreement ending the 21-year civil war between Northern and Southern Sudan. Under this ceasefire agreement, two autonomous governments were established in North and South Sudan, composed of representatives of the National Congress Party, SPLA/M and other minority groups. Under this agreement, the first free national/state and local elections were to be held within three years of the ceasefire. However, these elections have been postponed until 2009. The Southern Sudanese Government was granted autonomy until 2011 when a referendum is to be held to determine whether Southern Sudan wishes to remain part of Sudan. In the interim, various power and revenue sharing arrangements are to be introduced, in order to highlight the benefits of unity.

Although most international observers, including the United Nations, believe that this ceasefire is holding, this peace is still fragile and many Sudanese still face significant risk of violence and insecurity in their daily lives. There have also been some sporadic outbreaks of violence,

¹⁶⁷ Human Rights Watch (2003) *Sudan, Oil, and Human Rights*, HRW, Washington, USA. Moreover, there have been various incidents, separate to this conflict, in which the government has bombed and forcibly evicted groups from oil fields. For example, in the case of the Merowe Dam Project, which commenced in 2003, 50,000 civilians have already been forcibly displaced. Although the Sudanese government has stated that these IDPs are meant to be resettled in the Nubian Desert, IRIN indicates that to date only 10,000 people from the Hanadab community (the affected community) have been resettled in El Multuga, Nubian desert. IRIN also report that this resettlement has been disastrous. For example the soil quality has been poor and many of the plots given to the affected community are covered in sand and unworkable resulting in poverty (see United Kingdom Home Office Border and Immigration Agency (2007) Country of Origin Information Report for Sudan, <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=474544192>, p 13).

¹⁶⁸ UK Home Office (2007) op cit, p 46.

particularly in Equatoria and Malakal, and the continued presence of the Ugandan Lord's Resistance Army (LRA) in Southern Sudan has also added to the sense of insecurity and instability in the region. The Comprehensive Peace Agreement also does not apply to the situation either in Darfur or Eastern Sudan and fighting continues in those areas. Despite these concerns, most people regard the situation as optimistic and repatriation and spontaneous returns by refugees and internally displaced people to Southern Sudan has already begun.

(b) Conflict in Darfur

Since the outbreak of violence in Darfur in 2003, civilians have been indiscriminately targeted by government forces, rebel groups and the armed militia or "Janjaweed". As a result, civilians face significant risks of abduction, harassment, extortion, looting and damage to their homes and land, and displacement. This situation has been described as the "worst humanitarian crisis" of the modern era and, to date, has resulted in the displacement of over 2.2 million Darfurians. It is also estimated that there are a further 4.2 million people in Darfur who are in need of humanitarian assistance. There are also 200,000 Darfurians living in refugee camps in neighbouring Chad.¹⁶⁹

The violence in Darfur has also spilled over into Chad with allegations that the Sudanese Government is supporting Chadian rebels and has allowed them to establish bases in Darfur from which to launch cross-border attacks. Similarly it seems that the Chadian government is supporting SLA/M, JEM and other Darfurian rebel groups. This spillover has further increased insecurity and tensions along the border and in the refugee camps in Chad housing Darfurian refugees.

Despite the Sudanese Government and the Minni Minawi faction of the Sudanese Liberation Army/Movement signing a peace agreement regarding the conflict in Darfur in 2005, most observers (including AI and HRW) believe that the violence has escalated since that date. AI estimates that since the end of 2006 the ongoing violence and attacks has resulted in the displacement of 100,000 Darfurians and the death of 500 civilians.¹⁷⁰ One new source of tension has been this peace agreement as many other rebel groups and factions, such as the Abdul Wahed faction of SLA, as well as many internally displaced persons (IDPs) are opposed to the Darfur Peace Agreement. This has created a new source of tension with the Sudanese Government repressing IDP demonstrations against the peace agreement with indiscriminate force. Both the government and the Minni Minawi faction have also continued to violate the terms of the DPA and the fighting continues.

(c) Tensions in Eastern Sudan

In recent years there has also been violence and instability in Eastern Sudan between the Sudanese Government and the Beja and Rashaida tribes. A ceasefire was signed by the Sudanese Government and the Eastern Front (an alliance of the Beja Congress and Free Lions Movement) in October 2006 and the official state of emergency in Eastern Sudan was lifted. However, this region remains highly unstable and it appears that the attacks and violence continues.

¹⁶⁹ Human Rights Watch (2007) *Darfur 2007: Chaos by Design - Peacekeeping Challenges for AMIS and UNAMID*, Volume 19, No. 15(A), p 50 <http://www.unhcr.org/cgi-bin/txis/vtx/refworld/rwmain?docid=46f373912>. Also, at the time of writing, UNHCR reported that increasing instability and violence in Chad posed significant risk to Sudanese refugees in that country. (see N'djamena (2007) "Refugees Flee Chad after Rebel Retreat". *The Age*, 5 February 2008, available: <http://www.theage.com.au/news/world/refugees-flee-chad-after-rebel-retreat/2008/02/04/1202090320431.html>)

¹⁷⁰ Amnesty International (2007) *Amnesty International Report 2007*, <http://thereport.amnesty.org/document/15>, p 244.

9.3.2 Vulnerable groups

(a) People internally displaced as a result of the North-South conflict

The North-South conflict in Sudan created the largest internally displaced population in the world: displacing approximately 4-6 million people.¹⁷¹ It is also estimated that there are also 1.5 million refugees in neighbouring countries as a result of this civil war. Additionally, the situation in Darfur has displaced a further 2.2 million people since 2003 and there are another 4.2 million receiving relief assistance.¹⁷² It is also estimated that the Meroe dam will result in the displacement of a further 50,000 Sudanese¹⁷³.

IDPs in Sudan live a precarious and insecure existence. Many are virtually prisoners inside IDP camps, as there is little or no protection for displaced persons who leave camps to perform vital tasks such as the collection of firewood. Many displaced persons are aware that if they leave camps they face significant risk of threats, attacks, murder, rape, looting and landmines. However, even inside camps they are often faced with unstable and unsafe conditions. Although the conditions vary widely between the camps, some IDPs report water and food shortages, violence and even the build up of arms within camps.¹⁷⁴ It should be noted that women and children are particularly at risk and form a high proportion of people within IDP and refugee camps.¹⁷⁵

The IDP population living in Khartoum is described by UNHCR as “socially and economically marginalised” and surviving in poor living conditions, despite the activities of the UN and NGOs in the capital.¹⁷⁶ Harassment and arbitrary violence on the part of the authorities is a regular occurrence. In Khartoum, there is also a serious threat of forced eviction and relocation of IDPs leading to homelessness and further violence. On 16 August 2007 in Dar-al-Salam, an IDP settlement 43km south of Khartoum that houses 12,000 IDPs, bulldozers demolished homes without prior warning and the army and special forces used violence and tear gas to clear the residents of the settlement. Four people were killed.¹⁷⁷ Undocumented IDPs, female headed households and IDPs from 1996 (which will include most Darfurians) are particularly at risk of being left homeless and destitute in these circumstances¹⁷⁸.

(b) Internally displaced persons from Darfur

The situation of IDPs from Darfur, who are particularly at risk as a result of the intensified fighting in Darfur calls for individual attention. In contrast to Southern Sudan, the numbers of Darfurian displaced by fighting continues to grow as fighting in the region continues. This has placed further strains on humanitarian responses with camps around Nyala and El Fasher operating above capacity and leading to a decline in living conditions in these camps with increasing reports of water shortages, attacks by armed militia on the camps and violence within the camps. Amnesty International also claims that “internally displaced people [in IDP camps in Darfur] live in a protection vacuum” as the AMIS mission is largely unable to offer IDPs adequate protection and the population view policy/security forces with suspicion¹⁷⁹. Humanitarian workers are also subject to attacks, harassment and intimidation often making it difficult to provide aid and assistance¹⁸⁰.

¹⁷¹ UK Home Office (2007) op cit, p 46.

¹⁷² HRW (2007) op cit, p 50.

¹⁷³ UK Home office (2007) op cit, p 13.

¹⁷⁴ Internal Displacement Monitoring Centre (IDMC), (29 October 2005), *Profile of Internal Displacement: Sudan*, 29 October 2005, <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4059b7044>, p 105.

¹⁷⁵ IDMC (2005), op cit, p 114.

¹⁷⁶ UNHCR (2006) *UNHCR's Position on Sudanese Asylum-Seekers From Darfur*, Available: http://www.unhcr.se/Pdf/Position_countryinfo_papers_06/UNHCR_position_Sudanese_as_Darfur.pdf, p 3.

¹⁷⁷ AI (2007) op cit, p 245.

¹⁷⁸ UNHCR (2006) op cit, p 3.

¹⁷⁹ AI (2008) *Sudan: Displaced in Darfur. A Generation of Anger*, 22 January 2008. AFR 54/001/2008 p 4, available: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4795a5692>.

¹⁸⁰ HRW (2007), op cit, pp 52-53.

While the Sudanese Government alleges that in 2007 there were a number of “voluntary returns” by IDPs within Darfur, HRW believes that the actual numbers of voluntary returns is negligible. HRW contends that these government numbers were mostly made up of people leaving camp for market days or the farming season.¹⁸¹ However, it also appears that the local administrators in Darfur have also sought to forcibly relocate IDPs from camps, notwithstanding IDPs expressing fears about security and safety outside the camps. In October 2007, government security forces entered Kalma camp and sought to forcibly move IDPs in the camp. It is reported that during this operation, one IDP was killed, 17 were wounded and approximately 175 IDP shelters were burned down.¹⁸² Also many civilians who have to flee their villages as a result of the violence in Darfur do not always move to camps: some squat in villages, or even hide in bushes. In those circumstances, it is most unlikely that they will receive any humanitarian assistance or protection.¹⁸³

In light of the various security risks, UNHCR argues that IDPs in Darfur face serious threats to their security and safety and it is not reasonable for them to relocate to other parts of Sudan. In relation to the question of internal relocation UNHCR expressly states:

In UNHCR’s assessment, the threats are so widespread that it cannot be said there is an internal flight alternative anywhere in Sudan for asylum seekers from Darfur, including for those who resided in Khartoum before the Darfur crisis. Sudanese of “non-Arab” Darfurian background returning to Sudan face a heightened risk of scrutiny by the security apparatus. Furthermore, where internal displacement is a result of “ethnic-cleansing” policies, denying refugee status on the basis of internal flight or relocation concept could be interpreted as condoning the resulting situation on the ground and therefore raises additional concerns.¹⁸⁴

Accordingly, UNHCR currently recommends that asylum seekers from Darfur of “non-Arab” ethnic background should be granted refugee status or at least a complementary form of protection and not forcibly returned to Sudan until there is a significant improvement in the security situation in Darfur. It also recommends that particular attention should be given to especially vulnerable asylum seekers from Darfur including victims of past persecution, female heads of households and medical cases.¹⁸⁵

(c) Young men of military age

In its current (2006) policy paper on Sudan, UNHCR identifies young men of fighting age, irrespective of their ethnic origin, as one of the categories of Sudanese at particular risk of arbitrary detention and interrogation by Sudanese security forces.¹⁸⁶ Under an administrative decree of 1993, border authorities may arrest returning Sudanese men who left after the military coup in 1989 and have stayed away for more than a year in order to “interview” them for “necessary security measures”. Additionally, the 1999 Sudanese *National Security Act* empowers the Sudanese security forces to detain individuals for three days for investigation without a warrant, and this detention may be extended for thirty days by order of the Director of Security. In practice it seems that these powers are often used in an arbitrary and indiscriminate nature. In many instances, cars are stopped at checkpoints and all young men of fighting age who cannot prove that they have already completed military service are being sent to military training camps without communication with friends or family.¹⁸⁷

¹⁸¹ HRW (2007), op cit, p 50.

¹⁸² AI (2008), op cit, p 21.

¹⁸³ AI (2008), op cit, p 3.

¹⁸⁴ UNHCR (2006), op cit, p 3.

¹⁸⁵ UNHCR (2006), op cit, p 4.

¹⁸⁶ UNHCR (2006), op cit, p 1.

¹⁸⁷ Ibid.

(d) Women

Women, particularly in Darfur, are at high risk of being attacked, abducted and raped. The extent to which rape and gender-based violence has occurred in the fighting in Darfur has led the United States Security General to label these attacks “systematic”.¹⁸⁸ AI argues that sexual violence in Darfur is being used as a weapon to control, punish, humiliate and inflict fear.¹⁸⁹ Medecins Sans Frontieres reports that between October 2004 and February 2005 it treated 500 women and girls, and over one-third of these victims had been raped multiple times.¹⁹⁰ Similarly in August 2006, IRIN said that more than 200 women had been sexually assaulted in the space of five weeks in the Kalma IDP camp in Darfur.¹⁹¹ Further, women who have been raped or sexually assaulted often do not report these incidents to the authorities or even their families for fear they may be punished for illegal pregnancy or stigmatised.¹⁹²

The Sudanese Government no longer denies the existence of rape in the conflict and began a national campaign in November 2005 to stop gender-based violence. As part of these actions, the Government issued a decree which meant that women could now obtain medical treatment for sexual assault without notifying the police before treatment.¹⁹³ This was intended to avoid the previous problems associated with women who reported rapes to police being charged with adultery. Despite these reforms, perpetrators of sexual assault continue to be able to operate with impunity. In May 2007 police travelled to an IDP camp in Nyala because six women were raped near Belail IDP camp. Three men were arrested for the crimes but all were released the following day without charge and there has been no further action in relation to these cases.¹⁹⁴

Women in Sudan also face other risks including forced and inherited marriages. Female headed households in IDP camps are also particularly vulnerable to abuse and often face economic marginalisation within the camps.¹⁹⁵

(e) Children

The ongoing presence of the LRA in Southern Sudan means that children in the area face a substantial risk of being kidnapped, tortured, raped and forcibly required to serve the LRA. However, there have also been reports of rebel groups and the Sudanese armed forces recruiting children.¹⁹⁶ In 2000-2002 the SPLA and SPDF mobilised 9600 children soldiers.¹⁹⁷ Children in IDP camps are particularly at risk, often abducted and then forced to join armed groups or militia.

The various conflicts in Sudan have also led to families fragmenting and children sometimes being abandoned and left homeless. In 2003 UNICEF reported that 100 newborns were being abandoned in Khartoum every month.¹⁹⁸ These homeless or vagrant children are highly likely to be subject to arrest and abuse by police forces and are also at risk of trafficking, sexual abuse and prostitution. In many cases, the police round up street children, especially around Khartoum, and send them to special “reformation” camps. It is reported that in these camps children endure poor living conditions, are forcibly converted to Islam and are often recruited into the armed forces.¹⁹⁹

¹⁸⁸ *Monthly report of the Secretary-General on Darfur* (2007)(SI/2007/462) quoted in UK Home Office (2007), op cit, p 102.

¹⁸⁹ *Monthly report of the Secretary-General on Darfur* (2007)(SI/2007/462) quoted in UK Home Office (2007), op cit, p 102.

¹⁹⁰ *Abortion care needs in Darfur and Chad* (2006) quoted in UK Home Office (2007), op cit, p 103.

¹⁹¹ *Abortion care needs in Darfur and Chad* (2006) quoted in UK Home Office (2007), op cit, p 103.

¹⁹² AI (July 2004), op cit, p 17.

¹⁹³ UN Office of the High Commissioner for Human Rights (April 2006), *Third Periodic Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation in the Sudan*, UNOHCHR, Geneva <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=46cc4a620>, p 16.

¹⁹⁴ AI (2007), op cit, p 244.

¹⁹⁵ AI (2008), op cit, p 8.

¹⁹⁶ See for example UK Home Office (2007), op cit, pp112-114.

¹⁹⁷ IDMC (2006), op cit, p 111.

¹⁹⁸ Alternative family-based care for abandoned and orphaned children launched in north of Sudan, 2 July 2007 quoted in UK Home Office (2007), op cit, p 110.

¹⁹⁹ Country report on human rights practices – 2006: Sudan. released by the

The number of children at risk is significant: The Internal Displacement Monitoring Centre (IDMC) believes that there are 12,000 filed cases of child abduction in Sudan, approximately 17,000 children in the armed forces and a further 34,000 Sudanese children who have become homeless street children as a result of the fighting in the country.²⁰⁰

(f) Journalists, human rights lawyers and activists

Despite the 2005 ceasefire agreement, journalists and human rights activists in all parts of Sudan continue to be subject to arbitrary detention, torture, arrests and harassment. For example, in August 2006 police battered and detained two Al-Ayyam journalists. When they were later released at a nearby hospital, the police refused to provide them with the forms necessary to report the incident.²⁰¹

Opposition members and demonstrators also continue to face harassment, arbitrary detention and monitoring by the government. For example in March 2007, three members of the Beja Congress were arrested by the police, ill-treated and then detained in secret locations for over 10 weeks without access to their families or lawyers.²⁰² Also, people who took part in peaceful demonstrations against price rises in petrol and sugar in Khartoum in 2007 were put down with tear gas and batons by the police. Sentences of up to two months' imprisonment for public order offences were passed on 80 people.²⁰³ Similarly, people who have spoken out about Darfur, including journalists, human rights activists and even IDPs in camps in Darfur have been subject to arrest, incommunicado detention, torture and harassment.²⁰⁴

9.3.3 Prospects of repatriation of Sudanese refugees

As a result of the fighting in Sudan, hundreds of thousands of Sudanese refugees fled to neighbouring countries including Chad, Uganda, Ethiopia, Kenya, Democratic Republic of Congo, Egypt and Central African Republic. According to UNHCR, by 2006 there were approximately 225,000 Sudanese refugees living in Chad, 204,400 living in Uganda, 74,000 in Kenya, 69,400 in Democratic Republic of Congo, 73,400 in Ethiopia, 30,324 in Egypt and 36,000 in Central African Republic²⁰⁵. While the signing of the ceasefire between SPLA/M and the Sudanese Government has given rise to expectations that many refugees and internally displaced persons may be able to return to Southern Sudan, there are various problems associated with return at this stage.

In total, it is estimated that there have been 80,000 assisted returns and 90,500 spontaneous returns of refugees from Kenya to Sudan since 2004.²⁰⁶ In 2006 UNHCR facilitated the return of refugees by establishing tripartite agreements with the Sudanese Government and neighbouring countries to facilitate the repatriation process. However, plans for assisted returns have been interrupted on a number of occasions because of attacks on convoys and outbreaks of violence both in Sudan and its neighbouring countries. Returns from Kenya were suspended in December because of the election violence and only recently resumed by air and issues surrounding transportation during the wet season. The majority of IDPs and refugees have not returned citing continued insecurity and lack of services. Repatriation and return of IDPs and refugees to Sudan is also fraught with difficulties associated with unsatisfactory nature of the situations to which they

bureau of democracy, human rights, and Labor, 6 March 2007 reported in UK Home Office (2007) op cit, p 109.

²⁰⁰ IDMC (2006) op cit, p 103.

²⁰¹ *The Sudanese Human Rights Quarterly*, issue 23, January 2007 quoted in UK Home Office (2007), op cit, p 67.

²⁰² AI (2007), op cit, p 244.

²⁰³ Ibid.

²⁰⁴ Amnesty International (August 2004) *Sudan. Intimidation and Denial. Attacks on Freedom of Expression in Darfu*. AI Index AFR 54/101/2004, p 12.

²⁰⁵ UNHCR's South Sudan Operation, Home Page quoted in UK Home Office (2007), op cit, p 180.

²⁰⁶ UNHCR (2008) *South Sudan repatriation to Jonglei State resumes from Kenya*, Media Release, 29 January 2008. UNHCR, Geneva. Available: <http://www.reliefweb.int/rw/rwb.nsf/db900sid/PANA-7BBFE9?OpenDocument>

are being returned, which includes ruined property, a lack of infrastructure, limited employment opportunities, the risk of landmines and ongoing insecurity and threats of violence.²⁰⁷

In addition, the protracted nature of time that many Sudanese have spent in camps makes the prospect of reintegration in Southern Sudan more difficult. Indeed in many cases, some of the younger Sudanese now being repatriated to parts of Sudan were born in refugee camps and have no links to the local community to which they are returning.²⁰⁸ A further concern is that mass returns to Southern Sudan may spark conflict in the area over access to very limited natural resources, employment and infrastructure.²⁰⁹ Newly-returned refugees and IDPs given assistance by international agencies may fuel resentment and the perception of favoured treatment vis a vis local Sudanese communities.²¹⁰

9.3.4 Prospects of local integration for Sudanese refugees

The majority of asylum seekers fleeing Sudan travel to neighbouring countries to seek refugee protection. However, these countries often have limited resources to deal with these huge influxes of refugees and typically opportunities for local integration are severely restricted. For instance, it appears that there is little hope of integration for Sudanese refugees living in Kenya. Most Sudanese refugees in Kenya live in a refugee camp in Kakuma which is the second poorest region in Kenya. The area is described by IRIN as “desolate” and “isolated” and tensions with the local Turkana community add to the difficulties experienced by this group of refugees.²¹¹ In addition, the Kenyan Government operates a strict encampment policy, and Sudanese refugees are forbidden to work, farm or even move outside the camp to collect firewood or water. As a result of these conditions in Kakuma, some Sudanese refugees have illegally fled to Nairobi where they are no longer able to access international protection or assistance and often suffer abuse as “illegals”.²¹²

Similarly the opportunities for local integration in Egypt are extremely limited. Few refugees and asylum seekers are able to obtain work permits which are a requirement for legal employment in Egypt. Instead most are forced into illegal and often exploitative employment arrangements such as domestic work or street vending. Access to health care, education and housing is also extremely restricted and often unaffordable for refugees with limited income or support. All of these situations are tinged by racism and discrimination by the local population. As UNHCR states²¹³:

“...the reality of refugee life in Cairo mitigates strongly in favour of maintaining the resettlement optionlocal integration is not possible nor does UNHCR have the funds to provide adequate support locally at this stage. Resettlement is, in fact, the only concrete solution the office has to offer at the present time”.

Despite these findings, in the wake of the Comprehensive Peace Agreement in Sudan, UNHCR suspended all Refugee Status Determination interviews with Sudanese refugees in Egypt in 2005.²¹⁴ It appears that UNHCR made this decision on the assumption that all Sudanese asylum seekers in Egypt would now be able to return to Sudan. However, presumption fails to recognise both the existing difficulties associated with repatriation to Sudan at this point in time, as well as the fact that some Sudanese asylum seekers are still in need of international refugee protection, especially those from Darfur. UNHCR’s decision to suspend these interviews has heightened

²⁰⁷ IRIN (2005) *The Long Journey Home: an IRIN Web Special on the challenge of Refugee Return and Reintegration*, <http://www.irinnews.org/pdf/in-depth/Return-and-Reintegration-IRIN-In-Depth.pdf>, pp41-42.

²⁰⁸ IRIN (2005), op cit, p 45.

²⁰⁹ Rogge, John (2004) “Protection and Support of Spontaneously Returning Sudanese” in *Forced Migration Review*, issue 21, p. 6 <http://www.fmreview.org/text/FMR/21/02.htm>.

²¹⁰ Rogge (2004), op cit, p 7.

²¹¹ IRIN (2005), op cit, p 31.

²¹² Ibid.

²¹³ Stephen Sperl (2001) *Evaluation of UNHCR’s policy on refugees in urban areas. A case study review of Cairo*, UNHCR Evaluation and Policy Analysis Unit. EPAU/2001/07, <http://www.unhcr.org/research/RESEARCH/3b3310382.pdf>, p 32.

²¹⁴ The Egyptian government does not conduct any refugee status determinations itself; instead all asylum seekers in Egypt are processed and assessed by the UNHCR directly.

tensions between the Sudanese population living in Egypt and the local community leading to a demonstration by the Egyptian Sudanese community in September 2005 which was violently disbursed by riot police and led to the deaths of between 29 and 60 people²¹⁵.

While local integration for Sudanese refugees has generally not proved successful, one instance where efforts made to integrate refugees into the local society have worked comparatively well is in central Uganda. Here UNHCR and the Ugandan government have worked together to introduce a program that has enabled Sudanese refugees to move out of refugee camps and into settlement areas where they are able to farm and children are allowed to attend local schools.²¹⁶ Ultimately, however, local integration has not been the most appropriate durable solution for the majority of Sudanese refugees and not necessarily because of inherent failings on the part of either UNHCR or countries of asylum. In many instances, resettlement is really the best solution for Sudanese refugees. This has been recognised by UNHCR whose referrals of Sudanese refugees have been accepted by the Australian Government, particularly in the past seven years.

9.3.6 Experiences of resettlement in Australia for Sudanese refugees

Over the past decade, the Sudanese community has been one of the fastest growing communities in Australia, due to Australia's decision in 2001 to increase the number of Sudanese refugees accepted under Australia's refugee and humanitarian program as part of a stronger focus on resettlement from Africa. In 2006, the community was estimated at 32,000 – 29,300 people born in Sudan²¹⁷ and at least 2,200 born in Egypt and Kenya of Sudanese parents.²¹⁸ Over 98% of Sudanese new arrivals entered under the Humanitarian Program and most (74%) entered under the SHP visa.²¹⁹ The vast majority of Sudanese refugees in Australia come from Southern Sudan.

Many of the issues faced by Sudanese new arrivals are common to the broad experiences of other groups of refugees and humanitarian migrants. These include issues canvassed elsewhere in this submission, such as:

- the impact of torture and trauma experiences on resettlement;
- challenges for some in gaining sufficient settlement support;
- the financial burden of repaying travel loans (in the case of SHP entrants) and of supporting family members still in dire circumstances in Africa;
- the struggle to reunite split families;
- learning English and adjusting to schooling and tertiary education in Australia
- finding secure employment, including recognition of qualifications and of past work experience; and
- accessing health services.

Rather than investigate these issues again, we have decided to focus briefly on some issues of language, family and community within the Sudanese community.

(a) Language barriers and the use of interpreters

One of the fundamental problems that many Sudanese refugees face accessing resources in Australia is the barriers created by language. Although Arabic is the official language in Sudan, Sudan is a linguistically diverse nation with over 115 tribal languages spoken. Similarly, there is a wide variety of languages spoken by Sudanese refugees living in Australia. As a result, there are often not sufficient accredited interpreters available in the languages spoken by Sudanese

²¹⁵ Darfur Australia Network (February 2007), *Submission to the Hon Kevin Andrews 2007-08 Humanitarian Program*, <http://www.darfuraustralia.org/files/DAN%20Submission%20to%20DIAC.pdf>, p 7.

²¹⁶ UNHCR (2006) *The State of the World's Refugees 2006* - Chapter 6 Rethinking durable solutions: Box 6.1 The Zambia Initiative and the Ugandan Self-Reliance Strategy, <http://www.unhcr.org/publ/PUBL/4444d3cb3e.html>

²¹⁷ ABS Migration Australia 2005-2006, p 68

[http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/E0A79B147EA8E0B5CA2572AC001813E8/\\$File/34120_2005-06.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/E0A79B147EA8E0B5CA2572AC001813E8/$File/34120_2005-06.pdf)

²¹⁸ Department of Immigration and Citizenship (March 2007) *Sudanese Community Profile*. Online www.immi.gov.au/living-in-australia/delivering-assistance/government-programs/settlement-planning/-pdf/community-profile-Sudan.pdf, p 4

²¹⁹ DIAC (2007), *op cit*, p 5.

refugees.²²⁰ This has led to Sudanese refugees having to rely on interpreters who may not be able to provide them with the most accurate translations or interpretations; a particular problem where conveying nuanced concepts is crucial, for instance in medical situations or legal proceedings.

The inability to provide sufficient numbers and/or appropriate interpreters is all the more serious given that over 79% of Sudanese arrivals describe their level of English proficiency as nil or poor.²²¹ This makes it difficult for these arrivals to adequately access important services including employment support services, education, health and income support. It also affects the ability of refugees to deal with situations such as discussions with real estate agents or parent-teacher interviews. Moreover, it appears that in some cases information, for example, about income support services or the necessary forms, is not being provided to many Sudanese refugees in their own language.²²²

(b) Large families and the impact on accommodation

According to DIAC, more than 50% of Sudanese arrivals are part of a family unit of three or more members and 20% belong to a family unit of six or more members.²²³ This often creates difficulties in obtaining public or private housing which has sometimes led to family members being forced to live separately, overcrowding or paying excessive rent to obtain larger properties.²²⁴ The issue of accommodation also has flow-on effects such as overcrowding in the home often negatively affects the ability of young Sudanese children to completed homework or study. Excessive rents and bills can lead to debts and financial burdens on family members creating further tension and stress within families. (For more detail regarding the challenges of housing for refugees including Sudanese entrants, see Section 7)

(c) Youth needs

A significant proportion of Sudanese refugees and SHP entrants living in Australia are children and young people. DIAC estimates that over 62% are 24 years or younger on arrival in Australia.²²⁵ A number of these young people arrive in Australia as unaccompanied minors, beginning life in Australia without the support of family networks. In a study of Sudanese youth conducted by Malual (2004), the young people interviewed indicated that aspects of Australia they regarded as positive included the free education system, Australian people being considered friendly, the social security system, a good economy and greater freedom. Negative aspects include unemployment, crime and problems with parental control.²²⁶

Studies have demonstrated that there are issues specific to this group of the Sudanese community, especially in the area of education (discussed above). Further issues relate to the differences between Australian and Sudanese culture that have led to tensions over identity and family/community relationships. Even the classification of Sudanese young people as adolescents is complicated. In Sudan there is no concept of “adolescence” as children over 12 years are regarded as adults, whereas in Australia adolescence is a distinct category. These problems often result in low self-esteem, confusion of identity and experiences of social isolation. Young Sudanese appear to benefit from special, targeted support programs.²²⁷

²²⁰ Community Relations Commission (2006) *Report of the Community Relations Commission for a Multicultural NSW. Investigation into African Humanitarian Settlement in NSW*, CRC, Sydney, Australia p 60.

²²¹ Department of Immigration and Citizenship (March 2007) *Sudanese Community Profile*. Online www.immi.gov.au/living-in-australia/delivering-assistance/government-programs/settlement-planning/-pdf/community-profile-Sudan.pdf, p 7.

²²² CRC (2006), op cit, p 60.

²²³ DIAC (2007), op cit, p 6.

²²⁴ CRC (2006), op cit, p 66.

²²⁵ DIAC (2007), op cit, p 7.

²²⁶ Mayom Tulba Malual (June 2004) *Issues Facing Young People from Southern Sudan and Their Community as They Settle in Australia*, Anglicare Unpublished Paper, p 32.

²²⁷ Malual (2004), op cit, p 33.

(d) Relationships and community; racism and discrimination

Community and church ties among Australian Sudanese refugees are strong and generally regarded as extremely important. Traditionally disputes between members of these communities are resolved at this collective level. If, for example, there are problems being experienced by Sudanese children in the classroom, these may be addressed more effectively through involvement of parents or the community in the issue rather than dealing with it on an individual level. The need to engage more with the Sudanese community is especially important for its own sake but also in order to counter negative and distorted media images of Sudanese refugees which has fuelled further racism and discrimination against Sudanese migrants.

In developing services to address this community, the appointment of members with Sudanese background could be of assistance on boards, advisory groups and positions where they will work with other members of their community, although it is important that such inclusion not be token but focused on facilitating real participation. At the same time, greater support should be given to projects initiated and driven by the Sudanese community with the aim of addressing gaps in existing services.

While a number of reports suggest that Sudanese refugees have generally been welcomed by local communities,²²⁸ some Sudanese refugees have indicated that they have been subject to discrimination and racist attacks and feel that police have not always listened to them when complaints have been made regarding bullying and racist attacks²²⁹. Some Sudanese youth have also complained and brought legal action against police officers who have allegedly targeted them specifically for discriminatory and/or violent treatment. Sudanese children indicate that they are often subject to racist teasing or bullying at school which impacts on their willingness to continue studying.²³⁰ Sudanese adults have also indicated that they have suffered racial discrimination, particularly in employment and housing²³¹. Sudanese community members point to the impact that unhelpful and incorrect statements by senior government members have had on reinforcing negative stereotypes of Sudanese people, and the association this has had with increases in racism.²³²

On the other hand, there are also important differences between Australian cultural norms and expectations and those of many Sudanese migrants that have created some confusion and tension both between the Sudanese and Australian community and also within the Sudanese community itself. Such tensions can also be particularly acute among young people whose feelings of displacement prior to arriving in Australia may intensify once they have relocated as they feel that they are being brought up in a substantially different culture. This can contribute to feelings of low-self esteem, confusion over identity, negative feelings towards school, police and authority figures, and intergenerational conflict.

The impact of moving to a new country has also affected older members of the Sudanese community who have expressed concerns about the perceived negative influence of Australian culture on young people, the loss of extended family structures, new norms regarding parenting, pressures caused by financial difficulties and other changes associated with resettlement. A further area of tension is a shift that is sometimes felt in gender relations resulting from the new cultural norms and economic realities in Australia, such as financial independence for women and their employment in the formal economy.²³³ Also many households are now headed by female family members who often feel socially isolated, struggle to balance family needs with financial limitations and experience a lack of activities aimed at Sudanese women.²³⁴

²²⁸ For example Stanovic and Taylor (2005) op cit. See also Centacare, Lifeline and Social Justice Commission (2005) *Finding a Home on the Range. A Profile of Toowoomba's Sudanese Community*. Centacare, Brisbane.

²²⁹ STARTTS (2004) *Southern Sudanese Women's Consultation Report*, STARTTS, Sydney.

²³⁰ Cassity & Gow (2001), op cit, p 20.

²³¹ See for example Masquefa (2003), op cit.

²³² See CRC (2006), op cit, p 136. See also ATT (2007), op cit, section 1:6.

²³³ Malual (2004), op cit, p 17.

²³⁴ STARTTS (2004), op cit.

(e) Community initiatives

In response to some of the issues outlined in the previous sections, members of the Sudanese community as well as community and religious affiliated groups have themselves established grassroots organisations and programs to address them. Some examples of community initiatives include:

- The SAIL (Sudanese Australian Integrated Learning) program, which is a volunteer organisation that has provided specialised support and English learning assistance to over 450 members of the Sudanese community in Melbourne and Sydney. SAIL runs a wide variety of programs including free English language tutoring for children and adults, as well as community and tutor talks on topics including job hunting and tracing lost family members on. Other programs that SAIL provides include the *SAIL Xtend* program (short courses ranging from jewellery making to cooking or hockey), *SAIL Away* (free camps and excursions for the community) and *Home Help* (settled Sudanese women are encouraged to participate in this program paying regular home visits to newly arrived Sudanese women to assist with their transition).²³⁵
- A community development project initiated by Foundation House with a local Sudanese community in Melbourne. The project involves contacting community members and inviting them to devise and participate in a series of workshops to discuss particular issues of concern to the community and determine strategies for dealing with these challenges. One outcome of these workshops have included establishing a formal partnership with a local primary school to facilitate dialogue between parents and teachers. This has led to the appointment of a member of the Southern Sudanese community to the school council. Other outcomes included training community leaders to assist members of the community with orientation and trauma, as well as contacting government agencies, such as child protection agencies, to develop protocols for cooperation.²³⁶
- The Lost Boys of Sudan Australia, a non-profit volunteer organisation that seeks to bring together Australian and Sudanese communities, provide support and settlement services to the young Sudanese community and advocate on its behalf in the media. It is named “Lost Boys” in recognition of the thousands of young men who were lost or separated from their families as a result of the fighting in Sudan and arrived alone to resettle in new countries such as Australia. The Lost Boys activities are varied and range from an appreciation day, providing the Sudanese community with an opportunity to express its appreciation for the chance to resettle in Australia, to community events such as movie nights and barbecues, as well as providing interview and comments in the Australian media. The Lost Boys Association is also planning a trip to Southern Sudan to assist in the reconstruction process.²³⁷

These examples are merely a snapshot of the various community organisations and initiatives the Sudanese community has been involved in establishing up to tackle some of the issues they have faced resettling in Australia.

²³⁵ <http://home.vicnet.net.au/~sail/about.htm>

²³⁶ Foundation House (2006) *Community Development with Sudanese refugees. A Case Study. Coming Together: Two cultures, one Life*. Foundation House, Melbourne.

²³⁷ See <http://www.lostboys.org.au/index.php>

10. RECOMMENDATIONS

2. Australia's role in international protection

2.3 Australia's support for UNHCR

RCOA recommends that the Australian Government increase its overall contribution to UNHCR by 35%, to restore it in real terms to 2002 levels.

2.4 A 'whole of government' approach to international protection

RCOA recommends that:

- *the Australian Government explore opportunities for developing a more balanced and consistent response to uprooted people by developing a more integrated whole of government approach to asylum seekers, refugees and IDPs, involving greater program and policy coordination across key government portfolios and dialogue with a broader cross section of human rights, humanitarian, development and refugee agencies; and*
- *that AusAID create a special advisor on refugee, displacement and protection issues to act as a focal point for NGOs and other government departments and as a coordinator and specialist advisor within AusAID that could bring protection, emergency response and development needs together in a more integrated manner.*

3. Composition of the Humanitarian Program

3.2 Onshore and offshore visas

RCOA recommends that the offshore humanitarian numbers be determined independently of those granted protection visas onshore.

3.3 Size of offshore humanitarian program

In view of previous cuts in offshore humanitarian visa numbers and the pressing global need for more refugee resettlement places, RCOA recommends that

- *the humanitarian intake for the 2008-09 program year be increased to 17,000 places; and*
- *an annual 4% increase in places be introduced for subsequent program years.*

3.4 Program composition

RCOA recommends that:

- *half of the offshore humanitarian program be allocated to the Refugee Program; and*
- *that the Woman at Risk quota be increased to 15% of the Refugee Program.*

3.5 Reuniting split families

RCOA recommends that:

- *a specific Humanitarian Family Reunion Visa category be trialled in 2008-09, linked numerically to the Special Humanitarian Program and offering settlement support for new arrivals;*
- *special priority be given to processing applications from former TPV holders seeking to reunite with their families.*

3.6 Resettlement priorities and regional targets

RCOA recommends that the 2008-09 offshore humanitarian program consist of 17,000 places – 8,500 places in the Refugee category and 8,500 places to be divided between the Special Humanitarian Program and a new Humanitarian Family Reunion Visa category.

4. Visa processing and support issues

4.1.1 Special Humanitarian Program application process

RCOA recommends that DIAC explore ways of improving feedback to unsuccessful SHP applicants and of providing public advice on current SHP priorities.

4.1.2 Travel costs

Recognising that SHP entrants are in most cases coming from the same or similar situation as refugee entrants and that the repayment of travel loans is creating significant financial hardship, RCOA recommends that the Australian Government cover the costs of airfares for SHP entrants.

4.1.3 Proposer support

RCOA recommends that all SHP entrants complete a needs assessment linked to full access to IHSS services and that funding be made available to the IHSS provider to ensure that adequate support can be provided.

4.1.4 Migration advice

RCOA recommends that funding be made available, either through the Immigration Advice and Application Assistance Scheme or a similar program for non-fee charging migration agents to provide assistance to SHP proposers.

4.2 Onshore protection visa issues

RCOA recommends that the Minister for Immigration and Citizenship establish a working group to conduct a review of onshore protection policies, inviting public submissions on policy priorities.

5. Planning of settlement support

RCOA recommends that, with the current IHSS contracts due to end in 2010, the Australian Government review the effectiveness of current models of settlement service provision for humanitarian entrants, including the competitive tendering of on-arrival services and the short-term funding of services designed to provide longer-term settlement support.

6. Settlement issues and services

6.1 English language training

RCOA recommends that the Australian Government act on the commitment made in Opposition to increase funding for AMEP, to allow greater flexibility in program delivery and to improve links between language learning and employment.

6.2 Rural and regional settlement

RCOA recommends that a fund be established that can be used to enable IHSS or other regional services to expand flexibly in a timely manner to meet the needs of larger fluxes of secondary migration of humanitarian entrants.

6.3 Refugee health

RCOA recommends that:

- the Australian Government commit funding and work collaboratively with State and Territory governments to ensure that each State and Territory has an effective strategy for health service provision for newly arrived refugees and humanitarian entrants, including health clinics or networks to meet on-arrival health needs; and*
- Department of Immigration work collaboratively with each IHSS contractor to ensure a minimum level of health support for all new humanitarian entrants.*

7. Housing

RCOA recommends that the Department of Immigration and Citizenship and the Department of Families, Housing, Community Services and Indigenous Affairs develop a national housing strategy for refugees and humanitarian migrants. In developing this strategy, the Departments should explore options for:

- creating additional housing stock for on-arrival accommodation through partnerships with housing providers and community services;*
- achieving better longer-term housing outcomes for humanitarian entrants through cooperation and initiatives with real estate agents, private landlords, public and community*

- housing and non-government organisations interested in housing provision (offering incentives, subsidies and funding, as appropriate); and*
- *improved tenancy training for new arrivals and enhanced housing support services and advocacy through on-arrival and longer-term settlement services.*

8. Employment

8.3.4 Obtaining a driver's licence

RCOA recommends that, as a first step towards a national strategy to remove the additional disadvantage faced by humanitarian entrants who do not have drivers' licences, the Department of Immigration commission research on current community responses to this issue.

8.3.7 Recognition of skills, qualifications and overseas experience

RCOA recommends that the Department of Immigration and Citizenship and the Department of Education, Employment and Workplace Relations establish a fund to provide subsidies to assist humanitarian entrants undertaking bridging courses to have overseas qualifications recognised in Australia.

8.4 Employment services for refugees and humanitarian entrants

RCOA recommends that, in preparation for the 2009 round of Job Network tenders, the Departments of Education, Employment and Workplace Relations and Immigration and Citizenship review the performance of Job Network agencies in supporting refugees and humanitarian migrants in their search for work, seeking feedback from service users and community representatives about current obstacles and options for improvement to the Job Network – including options for specialist migrant employment agencies and improved links with AMEP.

8.5 Income support for refugees

RCOA recommends that Centrelink conduct a review of the impact of its breaching regime on humanitarian entrants.

8.6 A whole-of-government approach to employment pathways

RCOA recommends that the Australian Government commission a review of the impact of its current policies and funding priorities across all portfolios on the employment outcomes of humanitarian entrants. This review would:

- *draw together representatives of Federal Government agencies including the Departments of Immigration and Citizenship, Education, Employment and Workplace Relations, Human Services, Prime Minister and Cabinet, and Families, Housing, Community Services and Indigenous Affairs, and the Human Rights and Equal Opportunity Commission;*
- *seek broad public input, including from refugees and humanitarian migrants, settlement services, employment services, business representatives, trade unions, education providers, State and Territory government agencies and local government; and*
- *develop a strategy for change, nominating policy changes, improvements to government-provided services and government-funded services, funding priorities and areas for cooperation with other levels of government, business, non-government services and community groups.*

11. ORGANISATIONS CONSULTED

In the preparation of this submission, RCOA had excellent support from a wide range of organisations. Among the organisations, community groups and individuals who participated in our consultations or contributed ideas directly were:

ACCES Services Inc, Qld
ACL, NSW
Afghan Community Support Association, NSW
Afghan community, NSW, SA
African Communities Council of SA
African Community Council of NT
African Women's Advocacy Unit, NSW
African Women's Federation, SA
AMES Victoria
Anglicare NT
Anglicare Sydney, NSW
Asian Women at Work, NSW
Association for Services to Torture and Trauma Survivors (ASeTTS), WA
Auburn Migrant Resource Centre, NSW
Australian Lebanese Welfare, Vic
Australian Red Cross, NT
Australian Refugee Association, SA
Baha'i community, NSW
Baulkham Hills Holroyd Parramatta Migrant Resource Centre, NSW
Benarrawa Community Development Association, Qld
Blacktown Migrant Resource Centre, NSW
Brisbane City Council, Qld
Burmese Rohingya Community in Australia, NSW
Burundian community, NSW, NT, Qld
Canberra Refugee Support, ACT
Canterbury-Bankstown Migrant Resource Centre, NSW
Careers Australia, Brisbane, Qld
CASE for Refugees, WA
Centacare Tasmania
Centacare Toowoomba, Qld
Central Northern Adelaide Health Service
Centre for Multicultural Youth Issues, Vic
Centrecare Migrant Services, WA
Centrelink (Dandenong, Darwin, Hobart, Newcastle)
Coalition for Asylum Seekers, Refugees and Detainees (CARAD), WA
Colony 47, Tas
Communify Queensland
Companion House, ACT
Congoese community, NSW, Qld, SA
Council of Churches of WA
Department for Communities WA
Department of Education and Early Childhood Development, Victorian Government
Diversitat, Vic
Doutta Galla Community Health Services, Vic
Ecumenical Migration Centre, Brotherhood of St Laurence, Vic
Edmund Rice Centre, Mirrabooka, WA
Equatoria Community Welfare Association, NSW
Ethiopian community, SA
Ethnic Communities' Council of NSW
Ethnic Communities' Council of SA
Ethnic Communities Council of Victoria
Fairfield Migrant Resource Centre, NSW
Family Action Centre, University of Newcastle, NSW
Federation of Ethnic Communities' Councils of Australia
Foundation House, Vic
Fremantle Multicultural Centre, WA
Gordon Institute of TAFE, Vic
Gowrie Community Services, WA
Hunter African Communities Council, NSW
Hunter and New England Area Health Service, NSW
Illawarra Ethnic Communities Council, NSW
Illawarra Institute of TAFE, NSW
Illawarra Multicultural Services, NSW
Immigrant Women's Support Service, Qld
Integrated Services Centre, WA Department of Education and Training
Iraqi community, NSW, SA
ISIS Primary Care, Vic
Kingston City Council, Tas
Legal Aid WA
Legal Services Commission of SA
Liberian community, NSW, Qld, Vic
Life and Career Centre, Toowoomba, Qld
Lifeline Darling Downs, Qld
Liquor, Hospitality and Miscellaneous Workers Union, NSW
Logan Refugee Health Clinic, Qld
Mater Mothers Hospital, South Brisbane – Qld
Melaleuca Refugee Centre, NT
Mercy Refugee Service, NSW

Metropolitan Migrant Resource Centre, WA
 Migrant Health Service, SA
 Migrant Resource Centre of South Australia
 Migrant Resource Centre of Southern Tasmania
 Mildura Rural City Council, Vic
 Milpera State High School, Qld
 Mission Australia, Tas
 Multicultural Council, NT
 Multicultural Development Association, Qld
 Multicultural Health Service, Northern Sydney
 and Central Coast Area Health Service, NSW
 Multicultural Mental Health Australia, NSW
 Multicultural Youth Services, ACT
 National Council of Churches in Australia
 Northern Settlement Services, NSW
 NSW AMES
 NSW Department of Education and Training
 NSW Police
 NSW Refugee Health Service
 NSW Service for the Treatment and
 Rehabilitation of Torture and Trauma
 Survivors (STARTTS)
 NSW TAFE AMEP Service
 NT Shelter
 Office of Multicultural Affairs, NT Government
 Office of Multicultural Interests, WA Government
 Office of the Child Safety Commissioner,
 Victorian Government
 Phoenix Centre, Tas
 Project SafeCom, WA
 Queanbeyan Multilingual Centre, NSW
 Queensland Health
 Queensland Integrated Refugee Community
 Health Clinic
 Queensland Police Service (Toowoomba)
 Queensland Program of Assistance to Survivors
 of Torture and Trauma
 Queensland TAFE
 Refugee Advice and Casework Service, NSW
 Refugee and Immigration Legal Service, Qld
 Refugee Claimants Support Centre, Qld
 Refugee Resettlement Committee, St John the
 Apostle Parish, Kippax, ACT
 Relationships Australia, Tas
 Resolve FM, NSW
 Romero Centre, Qld
 Royal Hobart Hospital, Tas
 Rwandan community, NSW
 Salvation Army, NSW
 Sanctuary Refugee Foundation – NSW
 SCALES Community Legal Centre, WA
 School of Social Sciences, University of
 Adelaide, SA
 Sierra Leonean community, NSW
 Social Responsibilities Commission, Anglican
 Province of WA
 Somali community, NSW, SA
 South Eastern Region Migrant Resource Centre
 – Vic
 Southern Youth and Family Services, NSW
 Spiritus Social Services, Qld
 SpiritWest Services, Vic
 Springvale Monash Legal Service, Vic
 St Luke's Uniting Church, Highton – Vic
 St Vincent de Paul Society – NT, Qld, WA
 STEPS Employment and Training, Tas
 Strategic Community Assistance to Refugee
 Families (SCARF), NSW
 Sudanese Australian International Activist
 Group, ACT
 Sudanese community, NSW, NT, Qld, Vic, SA,
 Tas
 Sunraysia Institute of TAFE, Vic
 Sunraysia Mallee Ethnic Communities Council,
 Vic
 Survivors of Torture and Trauma Assistance
 and Rehabilitation Service (STTARS), SA
 TAFE Outreach Legal Service, NSW
 TAFE SA
 TAFE Tasmania
 The Salvation Army
 The Smith Family
 Toowoomba Refugee and Migrant Support
 Service, Qld
 UTS Community Law Centre, NSW
 Victorian Multicultural Commission
 WA Health
 Wakimbizi Community Support Refugees
 Waverley Council, NSW
 Wellsprings for Women, Vic
 West Coast Refugee Sanctuary Group, WA
 Western Sydney Area Health Service, NSW
 Whittlesea Community Connections, Vic
 Wollongong City Council, NSW
 Women's Housing Company Ltd
 Wyoming Community Centre, NSW
 Young Christian Workers, NSW
 Zomi Association, Vic

12. ACRONYMS USED IN THIS REPORT

AI	Amnesty International
ALP	Australian Labor Party
AMEP	Adult Migrant English Program
ATC	Annual Tripartite Consultation on Resettlement
AusAID	Australian Agency for International Development
BE	Bridging Visa E
CAAIP	Committee to Advise on Australia's Immigration Policies
CALFRIC	Committee for the Allocation of Loan Funds to Refugees in Centres
CCP	Community Care Pilot
CCSN	Complex Case Support Network
CPJ	Committee for the Protection of Journalists
CRSS	Community Refugee Settlement Scheme
CSHA	Commonwealth-State Housing Agreement
DEEWR	Department of Education, Employment and Workplace Relations
DEST	Department of Education, Science and Technology
DFAT	Department of Foreign Affairs and Trade
DIAC	Department of Immigration and Citizenship
DIEA	Department of Immigration and Ethnic Affairs
DIMA	Department of Immigration and Multicultural Affairs
DIMIA	Department of Immigration, Multicultural and Indigenous Affairs
ExCom	Executive Committee
FASSTT	Forum of Australian Services for Survivors of Torture and Trauma
GIA	Grant-in-Aid
HRW	Human Rights Watch
IAAAS	Immigration Advice and Application Assistance Scheme
IDP	Internally Displaced Person
IEC	Intensive English Centre
IEHS	Intensive English High School
IHSS	Integrated Humanitarian Settlement Strategy
IOM	International Organization for Migration
JEM	Justice for Equality Movement
JN	Job Network
LLNP	Language, Literacy and Numeracy Program
LRA	Lord's Resistance Army
LSIA	Longitudinal Survey of Immigrants to Australia
MAPS	Migrant Access Projects Scheme
MPSS	Migrant Project Subsidy Scheme
MRC	Migrant Resource Centre
MSA	Migrant Service Agency
MSF	Médecins Sans Frontières
NISS	National Integrated Settlement Strategy
OAA	On-Arrival Assistance
PM&C	(Department of) Prime Minister and Cabinet
PS	Proposer Support
PSC	Proposer Support Coordinator
PSG	Proposer Support Group
PSP	Proposer Support Program
RCOA	Refugee Council of Australia
RSF	Reporters sans Frontières
SGP	Settlement Grants Program
SHP	Special Humanitarian Program
SPLA/M	Sudanese People's Liberation Army/Movement
SPP	Special Preparatory Program
SSP	Service Support for Proposers

THV	Temporary Humanitarian Visa
TIS	Translating and Interpreting Service
TPV	Temporary Protection Visa
UNHCR	United Nations High Commissioner for Refugees
UNWRA	United Nations Relief and Works Agency for Palestinians in the Near East

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