



Refugee Council
of Australia



AUSTRALIA'S REFUGEE AND HUMANITARIAN PROGRAM 2012-13

Community views on current challenges and future directions

January 2012

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Cover photo: People displaced by violence in Libya sleep on the floor in Sallum, Egypt. More than 140,000 people fled into neighbouring countries in just two weeks after the violence erupted in Libya in February 2011, while thousands more were waiting to cross. © UNHCR / P. Moore.

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1. EXECUTIVE SUMMARY

The Refugee Council of Australia (RCOA), commissioned by the Department of Immigration and Citizenship (DIAC), conducted 43 consultations in eight states and territories, seeking community views on issues for consideration in planning Australia's 2012-13 Refugee and Humanitarian Program. More than 730 people, representing nearly 200 organisations and 33 refugee communities, participated in the process. This year's consultations were guided by four key themes, agreed on by DIAC and RCOA: (1) International refugee needs; (2) Regional co-operation in Asia-Pacific; (3) The composition of Australia's Refugee and Humanitarian Program; and (4) Factors in post-arrival settlement support.

1.1. INTERNATIONAL REFUGEE NEEDS

During 2011, the global challenges in refugee protection were complicated by the humanitarian emergency in the Horn of Africa, the emergence of new crises in countries such as Cote d'Ivoire and Libya, little progress in many of the most protracted refugee situations, a decline in numbers of refugees returning home voluntarily and a reduction in refugee resettlement. A series of regional dialogues with refugee women and girls, held to mark the 60th anniversary of the Refugee Convention, highlighted the harshness of life for refugees in camps and many urban settings, drawing attention to the shocking realities of sexual and gender-based violence, overcrowded living conditions, inadequate health and education services and an absence of livelihood possibilities which forces many refugee women into survival sex. With effective solutions through official channels in short supply, an increasing number of refugees are trying to find their own solutions, including through onward movement to places of greater safety.

The Office of the United Nations High Commissioner for Refugees (UNHCR) conservatively estimates that 781,299 of the 10.55 million refugees under its mandate are in need of resettlement. Of these, 172,196 need resettlement in 2012. Unfortunately, the annual number of resettlement places potentially available for referral by UNHCR is only around 80,000 but many of these places are left unfilled because of lengthy security clearance procedures in some resettlement countries. Of refugees classified by UNHCR as being in need of resettlement, 40.7% are from countries of origin in Africa, 37.3% from the Middle East and South West Asia and 16.9% from the rest of Asia. More than half of them are from just two countries of origin – Afghanistan and Somalia.

RCOA's community consultation process for this submission highlighted many concerns for refugees globally and nationally. On an international level, consultation participants raised the plight of groups of vulnerable refugees in many parts of Africa, the Middle East and Asia, including refugees unable to gain protection through UNHCR or other channels, at risk of detention, facing discrimination and persecution and unable to support themselves. Participants saw a compelling need for Australia to expand its own refugee resettlement program, to use its role as chair of the Working Group on Resettlement in 2011-12 to advocate for greater resettlement to other countries and to provide greater aid to countries hosting large numbers of refugees.

Given the limited availability of resettlement as a durable solution for refugees, it is essential that every place is used as strategically as possible, not only to protect the most vulnerable refugees who cannot be protected by other means but also to contribute to the protection of refugees who will not have access to resettlement, using resettlement to unlock other protection opportunities. To maximise the strategic opportunities provided by resettlement, it is important that resettlement states, including Australia, link their resettlement work with diplomatic efforts and aid and development. Unfortunately, the largest scale resettlement programs over the past five years – from Thailand, Nepal and Malaysia – have resulted in little improvement in living conditions for refugees and asylum seekers who remain within those countries.

RCOA is encouraged by the pledge made on the Australian Government's behalf by Minister for Immigration and Citizenship, Chris Bowen, at the UNHCR Ministerial Meeting in Geneva in December 2011 to "support durable solutions for refugees through enhanced linkages between humanitarian assistance, early recovery and development programming". Australia's Refugee and Humanitarian Program for 2012-13 should be developed with the following principles in mind:

1. The need for resettlement to be made widely available as a durable solution, through the expansion of the Australian program and through Australia advocating for increased resettlement to other nations.
2. A focus on resettling the most vulnerable, including refugees living with disability or affected by sexual and gender-based violence, detention or isolation from community support.
3. An emphasis on maintaining family unity, both through resettlement processes and providing accessible and affordable opportunities for family reunion for refugees already in Australia.
4. The strategic use of resettlement to promote broader refugee protection, with Australia working constructively with countries of asylum to improve conditions for resident refugee populations.
5. The need to balance resettlement needs in different regions, with resettlement from Asia associated with efforts to improve regional cooperation balanced with the compelling need to respond to protracted situations in Africa and in the Middle East and South West region.
6. A coherent overarching government strategy for refugee protection, which articulates how the Australian Government is using the collective efforts of DIAC, the Australian Agency for International Development (AusAID), the Department of Foreign Affairs and Trade (DFAT) and other agencies to enhance the lives of refugees.

Recommendations

1. RCOA recommends that the Australian Government develop a five-year plan to expand its offshore Refugee and Humanitarian Program to 20,000 places per year.
2. RCOA recommends that the Australian Government develop, publish and implement a framework for Australia's refugee resettlement program based on priority resettlement to the most vulnerable refugees, the promotion of family unity, the strategic use of resettlement and the consideration of global resettlement needs in the development of regional allocations.
3. RCOA recommends that the Australian Government support the announcement of the 2012-13 Refugee and Humanitarian Program with a clear articulation of how the Government plans to use the collective efforts of its different agencies (including DIAC, AusAID and DFAT) to promote refugee protection in the Asia-Pacific region and globally.

1.2. REGIONAL COOPERATION IN ASIA-PACIFIC

This year has seen both positive and negative developments relating to regional cooperation on protection issues among Asia-Pacific states. On the positive side, the adoption through the Bali Process of the first in-principle regional agreement to act collectively on refugee protection, and the subsequent development of this agreement into a framework for implementation, represented a substantial breakthrough in working towards a cooperative regional approach to refugee protection. In a region where most countries are not party to the Refugee Convention and protection issues generally have a low profile, these discussions represented a significant and welcome step forward.

These positive developments have contrasted starkly with the negative leadership from the Australian Government in pursuing offshore processing arrangements with Malaysia and Papua New Guinea. One of the clearest messages to emerge from this year's consultations is that offshore processing in general, and Australia's arrangement with Malaysia in particular, were not seen as constructive approaches to regional cooperation. Participants viewed policies which defer Australia's protection obligations to other states as being counterproductive to the development of regional cooperation and expressed concern about approaches which risk causing serious harm to people seeking protection.

While consultation participants in general did not support current policy approaches, they did recognise the importance of regional and international cooperation to addressing the key protection challenges in the Asia-Pacific region and expressed clear support for the development of a sustainable and constructive regional cooperation framework. Consultation participants called on Australia to show leadership in the development of this framework by upholding its international

obligations towards people in need of protection and demonstrating a clear commitment to sharing responsibility for refugee protection in an equitable manner.

Many participants expressed frustration at the politicisation of refugee issues in Australia and the tenor of the current public debate, particularly with regard to the issue of boat arrivals. It was felt that the adversarial political climate in Australia and the overwhelming focus on asylum seekers arriving by boat at the expense of other protection issues had hampered the development of an effective and sustainable regional cooperation framework. Participants highlighted the need for more constructive engagement on this issue not only between states in the region but also between political parties in Australia.

A central message to emerge from the consultations was that regional cooperation should aim to address protection challenges at their source. Participants identified conditions in countries of origin and asylum as being the key factors compelling asylum seekers to travel to Australia by boat and advocated an approach aimed at improving these conditions. Participants also saw a clear role for resettlement in addressing protection issues in the region, noting the need to enhance safe, authorised channels for humanitarian migration. To this end, the idea of an increase in Australia's Refugee and Humanitarian Program was strongly supported.

The positive developments through the Bali Process over the past year provide a useful foundation for working towards a more constructive approach to regional engagement on protection issues. That said, some issues have yet to be satisfactorily addressed through the Bali Process and further development of proposals to date will be necessary to ensure that the suggested cooperative arrangements effectively address the region's key protection challenges. In particular, the Australian Government should work with other states in the region to: prioritise initiatives aimed at addressing the most pressing protection challenges across the region; give further consideration to protection issues which have not been sufficiently addressed through previous discussions; identify an appropriate balance of durable solutions; and demonstrate a commitment to genuine cooperation and sharing of responsibility.

Recommendations

4. RCOA recommends that the Australian Government abandon offshore processing of asylum claims and that all future cooperative arrangements initiated and supported by Australia be informed by the principles outlined in Section 4.4.4 of this submission.

5. RCOA recommends that the Australian Government continue to show leadership in refugee protection by:

- a) Modelling best practice in asylum procedures and protection;
- b) Reviewing policies which, if replicated elsewhere, would undermine protection principles; and
- c) Demonstrating its commitment to genuine cooperation and sharing of responsibility through strategies such as those put forward in Section 4.4.3 of this submission.

6. RCOA recommends that the Australian Government work with other states in the region to enhance the effectiveness of the proposed Regional Cooperation Framework by:

- a) Prioritising initiatives aimed at addressing the most pressing protection challenges across the region, with a view to addressing the root causes of flight and onward movement; and
- b) Giving further consideration to protection issues which have not been sufficiently addressed through existing discussions, including those outlined in Section 4.4.1 of this submission.

1.3. AUSTRALIA'S REFUGEE AND HUMANITARIAN PROGRAM

Across all states and territories, consultation participants called on the Australian Government to increase the size of the Refugee and Humanitarian Program in order to better meet the needs of refugee communities in Australia and overseas. Many people spoke about the capacity of Australia to do more, pointing to the fact that the program has remained at a relatively constant size for the past decade, and highlighting the significant contribution of refugees to Australian society and the

economy that mostly goes unacknowledged in debates that focus predominantly on the costs of the Refugee and Humanitarian Program.

The Commonwealth Treasury drew attention to the value to Australia of immigration in its *Intergenerational Report 2010* (IGR), which highlighted the risks to the Australian economy and the pressures on government spending of Australia's ageing population. The IGR argues that Australia's future economic prosperity in the face of an ageing population will be strongly influenced by developments in population, participation and productivity. Refugees and humanitarian entrants are substantially younger on average than other new arrivals and much younger than the national average. In the five years to June 2009, the median age of humanitarian arrivals was just 20.0 years, a little over half the national median age of 36.9 years. In the same period, 72.5% of all humanitarian arrivals were under 30 years. Professor Graeme Hugo observes that humanitarian entrants as a group provide Australia with a significant demographic dividend by being much younger than the national population, with relatively high fertility, a large proportion of children who will be educated in Australia and ready to enter the Australian labour market, the lowest rate of settler loss of any group of new arrivals and an increasing proportion settling in regional areas.

Two messages regarding the composition of the Refugee and Humanitarian Program came through strongly in this year's consultations. The first is the inadequacy of the Special Humanitarian Program (SHP) in meeting the needs of refugee and humanitarian entrants seeking to reunite with family members, including close family. The negative impacts of family separation were highlighted across the country, including: the financial burden on recently arrived refugees of maintaining significant remittances to support family members in dire circumstances; people returning to dangerous situations in order to be with their loved ones; the mental health impacts of separation; people exploring ways to support family members to make dangerous journeys to Australia by boat; and the challenges for families who are reunited after prolonged separation in regaining their balance. Indeed, the viability of the SHP and its capacity to provide a pathway for families to reunite has come into question, particularly with the large number of split family applications currently being processed and in the context of a decline in the overall number of SHP visa grants from 8,927 in 2003-04 to 2,981 in 2010-11.

The second key message that came through consultations was that tensions and frustrations were being created between communities due to the numerical link between the onshore protection and SHP programs. Although concerns have been raised regarding this link in previous years, this year negative sentiments towards people arriving onshore were more evident than in the past, stemming from a perception (fuelled by public discourse and political debates) that onshore Protection Visa holders are "illegal" and "taking places from" people who are trying to sponsor family and community members under the SHP.

Issues related to Australia's treatment of asylum seekers were raised at almost every consultation this year, highlighting a wide range of concerns relating to immigration detention, community detention, community-based asylum seekers, statelessness, offshore processing and excision policy and the provision of legal advice to asylum seekers. It should be noted that, while many of the community consultations took place after the Government's announcement that onshore processing would be used for people arriving by boat, the details of the implementation of this policy were not yet known. RCOA has welcomed the Government's announcements related to the issuing of bridging visas and applauds the Department's active engagement with the sector in exploring the practicalities of these policy announcements. Concern, however, remains about the lack of progress in Australia's development of a procedure to determine statelessness, as well as the lack of meaningful or substantive outcomes for those identified as stateless who are currently languishing in detention centres in Australia.

The issues highlighted by communities concerning the size and current composition of Australia's Refugee and Humanitarian Program suggest the need for a substantial rethink of the program. Key challenges that need further exploration and consideration are:

- How to manage a program where there is a numerical cap on numbers, including (technically) a cap on the number of onshore Protection Visas when there are fluctuations in the numbers of onshore arrivals.
- How to develop a coherent strategy for determining the resettlement of refugees based on principles of vulnerability, regional cooperation in Asia-Pacific and the strategic use of resettlement to broker solutions for refugee communities in other countries.
- How to ensure that Australia fulfils its obligations under the Refugee Convention and provides protection to those who seek asylum onshore in a humane and timely manner.
- How to manage tensions between the onshore and offshore components of the program created by the numerical link between the programs.
- How to manage family reunion so that refugee and humanitarian entrants can enjoy family unity and mitigate the costs of separation on settlement outcomes.
- How to process split family applications with the current limitations in the size of the SHP, particularly in the context of the December 2011 High Court ruling regarding the “time of decision” requirement in the SHP and the significant numbers of unaccompanied minors arriving onshore in recent years who have or will submit applications under split family provisions.
- How to create a clear strategy and clarity regarding the involvement of volunteer organisations in supporting refugee resettlement.

Due to the growing complexity of the issues posed by the current composition of the Refugee and Humanitarian Program and the need for careful consideration, RCOA believes time is required to consider significant changes to the structure of the program. RCOA recommends that DIAC work with RCOA, the Refugee Resettlement Advisory Council (RRAC) and other interested parties during 2012 to explore options more fully.

Recommendations

7. RCOA recommends that the Australian Government demonstrate its unequivocal commitment to the Refugee Convention by ending the numerical link between the onshore Protection program and the offshore Refugee and Humanitarian program.

8. RCOA recommends that DIAC establish a process in 2012 for examining the future composition of the Refugee and Humanitarian Program, engaging RCOA, RRAC and other interested parties with a view to addressing the major gaps relating to how Australia provides resettlement to those identified as most in need, supports humanitarian family reunion and appropriately involves volunteer organisations in the resettlement process.

9. RCOA recommends that, in the short term, DIAC increase resources to speed up the processing time of SHP applications, including looking at staffing levels in critical overseas posts. RCOA recommends that DIAC also review how family reunion options are communicated to refugees before they arrive in Australia, examining what information could be provided in first language at time of application and how this information is reinforced through the Australian Cultural Orientation (AUSCO) program.

10. RCOA recommends that Australia’s statelessness status determination process be enshrined in law and that the procedure:

- *Be part of a streamlined, single process whereby applicants are assessed first against the refugee criteria, then against the complementary protection grounds and finally (if necessary) against a statelessness provision*
- *Be subject to independent merits and judicial review*
- *Not require the continued detention of a person while he/she undergoes the process*
- *Provide a substantive visa for a person found to be stateless, so as to ensure that he/she lives with dignity and security.*

In the absence of a legislated approach, the statelessness status determination procedure should still adhere to the above principles.

1.4. POST-ARRIVAL SETTLEMENT SUPPORT

Settlement challenges and gaps in services and support were again key topics of discussion at this year's consultations, covering issues including: regional settlement; the empowerment and involvement of former refugees; housing; health; education and training; employment; youth and family issues; income management and changes to settlement service models. Due to the large number of consultations held and the volume of feedback, and that many of the policy areas concern other government departments, RCOA has compiled a supplementary document to this main submission to capture more detail on particular settlement issues. Two key areas of post-arrival settlement support highlighted in Section 6 of this submission that RCOA believes are of particular relevance to the Immigration Minister and DIAC and where immediate follow-up is required are issues concerning unaccompanied minors and the settlement experience of refugees on onshore Protection Visas.

With regard to unaccompanied minors – both asylum seekers (unaccompanied minors [UAMs]) and those who are on permanent Protection Visas (unaccompanied humanitarian minors [UHMs]) – representatives of a number of services acknowledged that DIAC is undertaking work in this area. They particularly welcomed the national pilot announced by the Minister to provide targeted settlement support to 16- and 17-year-old UHMs in three states who arrive without identified carers and who have been assessed as capable of living independently. However, many issues will not be addressed by this pilot and require urgent consideration by the Minister and DIAC in order to ensure young people are cared for appropriately. In particular, consultations highlighted issues related to the lack of a national framework, conflict of interest and guardianship, confusion about the delegation of guardianship, concerns for young people relocating interstate, reports of inappropriate carers of UHMs and a lack of support for carers, issues about verifying the age of minors, and the need for supported transitions out of care.

A range of issues concerning the impact of immigration detention on the settlement experiences and outcomes of Protection Visa holders was raised by both former detainees and by settlement service providers across Australia. Feedback from consultations honed in on key issues that require consideration and policy responses, including the need for better communication and referral protocols between DIAC and Humanitarian Settlement Services (HSS) providers, concerns about the lack of appropriate services and support for a group presenting with higher incidences of trauma and mental health issues, the challenges for agencies in meeting the needs of a highly mobile group within current settlement service funding parameters, and ensuring there is appropriate orientation provision for Protection Visa holders who do not have the same opportunity to attend the pre-arrival Australian Cultural Orientation (AUSCO) program as offshore entrants.

Recommendations

11. RCOA recommends that a national framework for the care of unaccompanied refugee and asylum seeker minors be developed by DIAC as soon as practicable, with this framework to include considerations of: care requirements and resourcing; carer recruitment, support and responsibilities; delegation and guardianship roles and responsibilities; and transitions out of care.

12. RCOA recommends that DIAC review its internal and external communication procedures to ensure advance notification and important referral information is provided to HSS contractors about refugees being released from detention centres, to assist services in planning appropriate support.

2. INTRODUCTION

The Refugee Council of Australia (RCOA) welcomes the opportunity to present this submission to the Australian Government, providing community views on some of the crucial issues impacting on Australia's Refugee and Humanitarian Program in 2012-13 and beyond. This submission draws together the wisdom, concerns and ideas of many people and organisations from across Australia – people who have settled here having survived the refugee journey and representatives of many of the organisations involved in supporting refugee and humanitarian entrants.

The consultation process for this submission, conducted during October and November 2011, involved more than 730 people from across Australia's eight states and territories. Forty-three consultations were held covering all states and territories, including 40 face-to-face consultations and three teleconferences. Fourteen of the face-to-face consultations were held in regional centres. A list of consultation locations can be found in the appendices (see 7.2). Individual or group telephone consultations were conducted with 11 people in Australia upon request or due to their expertise in a particular area. A call for contributions to a discussion paper and consultation questions was also circulated through RCOA's networks and website (see 7.1) inviting written submissions, of which 22 were received. In all, nearly 200 organisations participated in the process (see list in Section 7.3 of this report). This list includes only official organisations and does not represent the fact that refugee and humanitarian entrants from more than 33 communities participated, including people from the Afghan, Assyrian, Bhutanese, Bor, Burmese, Cameroonian, Chaldean, Chin, Congolese, Dinka, Eritrean, Ethiopian, Hazara, Hmong, Iranian, Iraqi, Ivorian, Karen, Kurdish, Liberian, Lieck Nuer, Mandaeen, Nuba, Oromo, Rohingya, Rwandan, Serbian, Sierra Leonean, Somali, South Sudanese, Sudanese, Tamil and Ugandan communities.

This year's consultations were guided by four key themes, agreed on by the Department of Immigration and Citizenship (DIAC) and RCOA: (1) International refugee needs; (2) Regional co-operation in Asia-Pacific; (3) The composition of Australia's Refugee and Humanitarian Program; and (4) Factors in post-arrival settlement support. The consultation questions focusing on post-arrival settlement support (Section 6 of this report) provided an opportunity for communities and service providers to provide views on Australia's settlement service system and models in the lead up to the February 2012 Working Group on Resettlement (WGR) meeting in Melbourne, and Australia's role as the chair of the WGR in 2011-12. It should be noted that a number of questions regarding post-arrival support relating to non-DIAC funded programs were canvassed and detailed findings are not presented in this submission. Supplementary reports on issues raised that concern other government departments and relating to Job Services Australia, income management and the National Education Agreement will be developed in conjunction to this submission.

The consultations were conducted and the submission compiled principally by six RCOA staff – Rebecca Eckard, Lucy Morgan, Louise Olliff, Paul Power, Eileen Wahab and Andrew Williams. However, this submission is the result of the collective efforts of many people. Twenty-two agencies (see 7.3) hosted face-to-face consultations, inviting community members and settlement service organisations from their areas to participate. The help of key staff in these organisations was invaluable and their generosity and hospitality were much appreciated. The principal researchers were supported by a team of volunteers in RCOA's Sydney and Melbourne offices who helped to organise the consultations and conducted research, including: Stephanie Canning, Danielle Marnock, Miriam Nieto, Bibek Raj Shrestha and Emily Stannard. Thanks to Jennie Barrera and her staff at Wyndham Community and Education Centre for assisting with a Karen translation of written material, and Dr Leah Gerber and MA translation students in the School of Languages, Cultures and Linguistics at Monash University for assistance with translation into French.

The consultation process and preparation for this submission was funded by DIAC. RCOA appreciates DIAC's support and its openness to receiving honest feedback from the community about the Refugee and Humanitarian Program and government policies and practices which impact on refugee entrants. This openness contributes significantly to building public confidence in the Australian Refugee and Humanitarian Program. We particularly appreciate the ongoing support given by Lyn Hearfield, Penelope Lee and their colleagues in DIAC's Humanitarian Branch throughout the process of developing the submission.

3. INTERNATIONAL REFUGEE NEEDS

3.1. GROWING CRISES AND ELUSIVE SOLUTIONS

During 2010 and 2011, UNHCR's global work in refugee protection has been marked by an increase in the number of crises and a decline in the availability of durable solutions for refugees. In June 2011, UNHCR released its *Global Trends 2010*,¹ which showed that, in the year to December 2010, the number of people displaced by persecution and conflict rose by 400,000 to 43.7 million. Of these 15.4 million were refugees, 840,000 were asylum seekers and 27.5 million were displaced within their own countries of origin. The 2010 statistics illustrated that most of the world's refugees are from a small number of countries of origin and have sought refugee in a small number of countries of refuge. Of the 10.55 million refugees under UNHCR's mandate² as at December 2010, 75% came from just 10 countries of origin – Afghanistan, Iraq, Somalia, Democratic Republic of the Congo, Burma, Colombia, Sudan, Vietnam, Eritrea and China. Just 10 countries hosted 62% of these refugees, including Pakistan, Iran, Syria, Germany, Jordan, Kenya and Chad.

When UNHCR releases its 2011 statistics in mid-2012, they will almost certainly show an even bleaker picture than the 2010 statistics. 2011 has been marked by the emergence of new refugee crises in Africa and the Middle East and little sign of improvement in most of the world's protracted refugee situations.

New crises emerge: A disputed election in Cote d'Ivoire in November 2010 resulted in violence which saw hundreds of thousands of Ivorians internally displaced and around 160,000 people flee to Liberia. Following an outbreak of violence in Libya in the early months of 2011, 1.5 million people, including many migrants and refugees, crossed borders to neighbouring countries. At the peak of displacement in March, up to 20,000 people were crossing into Tunisia and Egypt each day. Tens of thousands of refugees and migrants fled by boat across the Mediterranean, many of them perishing on the way.³

Somalia crisis deepens: As drought continued to worsen amid the decades-old conflict in Somalia, more than 270,000 people fled the country, bringing the total number of Somali refugees in the region to more than 900,000. Another 1.5 million are internally displaced. This means nearly a third of the entire population of Somalia has been forced from their homes. Kenya, Ethiopia, Yemen and Djibouti have generously borne the brunt of this mass exodus. The world's largest refugee camp, Dadaab in Kenya, has grown to five times its intended size, housing more than 450,000 people.⁴

Protracted situations remain: At the same time, many long-standing conflicts remain unresolved and continue to be the source of large-scale movement, stretching from Afghanistan and Iraq to the Central African Republic, the Democratic Republic of Congo, Somalia and Sudan. Around 7.2 million refugees are currently living in protracted situations, the majority of whom are in Asia – Afghans in Pakistan and Iran, Rohingya in Bangladesh, Burmese in Thailand and Bhutanese in Nepal – and in Africa – Somalis in Kenya and the Horn of Africa, Eritreans in Sudan and Burundians in the Great Lakes region. The only positive sign to emerge in 2011 was a pledge by the governments of Bosnia and Herzegovina, Croatia, Montenegro and Serbia to work together to find solutions for 74,000 refugees remaining from the 1991-95 Balkans conflict.⁵

¹ United Nations High Commissioner for Refugees (UNHCR) (2011a). *UNHCR Global Trends 2010*. Geneva: UNHCR, <http://www.unhcr.org/4dfa11499.html>

² As at December 2010, 4.82 million Palestinian refugees were under the mandate of the United Nations Relief and Works Agency.

³ Guterres, A. (2011), *High Commissioner's Opening Statement to the 62nd session of ExCom*, UNHCR, Geneva: 3 October, <http://www.unhcr.org/4e89a67b9.html>; p 2

⁴ Guterres 2011, p. 2

⁵ UNHCR (2011b). *UNHCR welcomes latest regional effort to end refugee displacement in Balkans*. UNHCR, 8 November: <http://www.unhcr.org/4eb96aca2.html>

Repatriation in decline: The traditional durable solutions of voluntary repatriation, integration in country of asylum and resettlement are all generally in decline. In 2010, the numbers of refugees returning home hit a 20-year low, with just 197,600 repatriations during the year. As 2011 drew to a close, many of the Libyans displaced earlier in the year had returned home and some Ivorians were beginning a tentative movement back to their home country. However, in other regions of the world, few of the refugees displaced for much longer periods were participating in repatriation processes. In the two countries which have produced the most of the world's current refugees – Afghanistan and Iraq – citizens and members of refugee diasporas were expressing even greater fears for the future, as both countries experience a progressive withdrawal of foreign troops. Confidence in the prospect of safe return to Afghanistan was further undermined by a series of deadly terrorist attacks on the nation's Shi'a minority in late 2011, replicating similar terrorist attacks on Afghan Shi'a refugees in Pakistan.

Resettlement numbers falling: After a doubling of global resettlement places between 2002 and 2009, the pace of resettlement is again in decline. In 2009, resettlement arrivals under both UNHCR and other processes totalled 112,442, the highest figure in 14 years. However, in 2010 the total number of resettlement arrivals dropped 14% to 98,761. At the October Working Group on Resettlement meeting in Geneva, UNHCR reported that refugee resettlement departures through its referral process had slowed considerably during the first six months of 2011, largely because of delays caused by the introduction of new security clearance processes by some resettlement states. Between 1 January and 30 June 2011, only 25,516 refugees were resettled through UNHCR's processes, a decline of 33% on the previous year.

Ineffective protection for many refugees: Millions of refugees in urban settings and in camps face grave risks on a daily basis. These risks were effectively highlighted during UNHCR's Regional Dialogues with Women and Girls, held in India, Colombia, Jordan, Uganda, Zambia, Thailand and Finland between November 2010 and May 2011. The dialogues, coordinated by the Centre for Refugee Research of the University of New South Wales (UNSW), emphasised the importance of engaging refugee communities in developing protection strategies. Speaking at UNHCR's 62nd Executive Committee meeting in Geneva in October 2011, UNHCR Assistant High Commissioner Erika Feller noted that the women involved in the dialogues "shared the harsh reality of their lives in refugee camps and urban sites with clear-sightedness and candour". Ms Feller noted: "They described the impacts, including sexual and gender-based violence, of lack of documentation, overcrowded and unhealthy shelter arrangements, inadequate health services, the lack of educational opportunities and unsafe and poor quality schools. One cross-cutting concern was the absence of livelihood possibilities in camps and in urban settings, with failure to invest in this being linked to negative coping strategies like survival sex and damaged prospects for successful integration or reintegration into communities when displacement ends."⁶

Refugees seeking their own solutions: With effective solutions in short supply, refugees are increasingly trying to find their own methods of resolving their plight. Dr Jeff Crisp, Head of UNHCR's Policy Development and Evaluation Service, noted this trend in an address to the 2011 Refugee Conference hosted by UNSW in June 2011.⁷ Dr Crisp said "refugees are increasingly responding to their situation by pursuing alternative life strategies, frequently involving mobility and irregularity". He said these household and community strategies included maximising opportunity and spreading risk by sending family members to different locations – e.g. some to refugee camps for protection, some to urban centres to find work and others further afield to find additional income to support the family. These strategies also included, as survival strategies, onward movement, maximising opportunities for resettlement, informal acquisition of identity and citizenship documents and de facto local integration in countries of asylum through long-term stay. Dr Crisp

⁶ Feller, E. (2011). *Doing Protection Better*, 62nd Session of UNHCR Executive Committee, Geneva: 5 October, <http://www.unhcr.org/4e8d5ea39.html>; p. 5

⁷ The 2011 Refugee Conference, *Looking To The Future, Learning From The Past: A conference to mark 60 years of the Refugee Convention*, was organised and sponsored by UNSW's Centre for Refugee Research, UNHCR, RCOA and 15 other agencies. Dr Crisp's presentation is at <http://tv.unsw.edu.au/mp3/2011-refugee-conference-session-1-durable-solutions>. His ideas were also outlined in a later presentation in Geneva – <http://www.rsc.ox.ac.uk/events/launch-policy-briefing-6/Crisp-from-permanent-solutions>

noted that many of these strategies had limited impact or were easily reversible because the risks were being spread but not eliminated and often were met by negative state responses and host community hostility. These strategies also involved extended family separation and often unsustainable pressure on some family members to provide financial support to relatives remaining in situations of great need. Many refugees were still not getting the opportunity to leave refugee camps and were facing conditions which were often worse than those commonly experienced in camps 10 or 15 years ago.

3.2. THE CURRENT AND POTENTIAL ROLE OF RESETTLEMENT

3.2.1. Global resettlement needs

The decline in the resettlement of refugees noted earlier comes at a time when UNHCR is continuing to identify nearly 800,000 refugees in priority need of resettlement. In its *Projected Global Resettlement Needs 2012* document⁸, prepared for the 2011 Annual Tripartite Consultations on Resettlement (ATCR), UNHCR identifies 172,196 refugees in need of resettlement in 2012 and 781,299 in need of priority resettlement in coming years.

Table 1: Projected Global Resettlement Needs by sub-region of asylum (UNHCR regions)⁹

Region or sub-region	Resettlement needs in 2012		Total resettlement needs	
Africa region				
East and Horn of Africa	36,713	21.3%	258,603	33.1%
Central Africa and Great Lakes	5,700	3.3%	16,180	2.1%
Southern Africa	5,762	3.3%	9,912	1.3%
West Africa	1,246	0.7%	7,906	1.0%
Sub-total: Africa region	49,421	28.7%	292,601	37.5%
The Americas				
The Americas	6,806	4.0%	27,134	3.5%
Sub-total: The Americas	6,806	4.0%	27,134	3.5%
Asia region				
Central Asia	682	0.4%	809	0.1%
East Asia and the Pacific	32,220	18.7%	114,469	14.7%
South Asia	19,159	11.1%	25,498	3.3%
South West Asia	7,910	4.6%	223,693	28.6%
Sub-total: Asia region	59,971	34.8%	364,469	46.6%
Europe region				
Azerbaijan, Russian Federation, Ukraine	1,630	0.9%	2,336	0.3%
Balkans and Eastern Europe	157	0.1%	172	0.0%
Malta	700	0.4%	700	0.1%
Turkey	12,299	7.1%	12,299	1.6%
Sub-total: Europe region	14,786	8.6%	15,507	2.0%
Middle East and North Africa				
The Middle East	32,230	18.7%	52,380	6.7%
North Africa	6,822	4.0%	7,822	1.0%
Gulf	2,160	1.3%	21,386	2.7%
Sub-total: Middle East and North Africa	41,212	23.9%	81,588	10.4%
TOTAL	172,196		781,299	

In the short-term, UNHCR is recommending resettlement in relatively equal numbers out of its regions of Asia (34.8% in 2012), Africa (28.7%) and Middle East and North Africa (23.9%) with a

⁸ UNHCR (2011c). *UNHCR Projected Global Resettlement Needs 2012*. 17th Annual Tripartite Consultations on Resettlement (ATCR), Geneva, 4-6 July 2011, <http://www.unhcr.org/refworld/docid/4e8551bc2.html>

⁹ Figures drawn from public version of *UNHCR Projected Global Resettlement Needs 2012*. Regions as defined by UNHCR.

further 7.1% from Turkey. However, over several years, UNHCR sees a compelling need for much greater resettlement from the East and Horn of Africa sub-region and South West Asia – the two sub-regions with the largest populations of refugees in protracted situations. Unfortunately, even if all resettlement places available globally are taken up each year, at current rates it will take at least 10 years to resettle the refugees who UNHCR has nominated for priority resettlement. The total number of refugee resettlement places available for UNHCR referrals remains at around 80,000.¹⁰

The regional breakdown of Australia's refugee resettlement is calculated according to the country of origin of the resettled refugees, not the country of asylum. In addition, DIAC's regions are configured differently to those applied by UNHCR.¹¹ Recalculating according to DIAC definitions, UNHCR's priorities for resettlement in 2012 are split quite evenly between Africa (32.9%), Middle East and South West Asia (29.4%) and Asia (28.7%). In subsequent years, UNHCR sees the need for much greater resettlement from Africa (40.7% of total resettlement needs) and the Middle East and South West Asia (37.3%), with the priority for Asia dropping to 16.9%.

Table 2: UNHCR Projected Global Resettlement Needs 2012 by country of origin, by DIAC region¹²

Region	Resettlement needs 2012		Total resettlement needs		2010 resettlement	
Africa	56,578	32.9%	317,977	40.7%	17,002	23.3%
Americas	6,736	3.9%	27,024	3.5%	430	0.6%
Asia	49,439	28.7%	131,772	16.9%	35,064	48.0%
Europe	330	0.2%	357	0.0%	316	0.4%
Middle East and S-West Asia	50,600	29.4%	291,036	37.3%	20,139	27.6%
Various	8,513	4.9%	13,133	1.7%	142	0.2%
Total	172,196		781,299		73,093	

When these resettlement needs projections are contrasted with recent resettlement patterns, it is clear that, for current needs to be met, many more resettlement places will be needed and the focus of resettlement will need to shift substantially towards Africa. Table 2 illustrates that the total resettlement of 73,093 refugees in 2010 through UNHCR referral processes is less than half of the projected resettlement need for 2012. African refugees accounted for just 23.3% of those resettled in 2010 but account for 32.9% of those in need of resettlement in 2012 and 40.7% of those in priority need of resettlement in coming years.

In 2010, the top five countries of origin for refugees who departed for resettlement were Burma, Iraq, Bhutan, Somalia and Democratic Republic of Congo. In its projected resettlement needs for 2012, UNHCR includes these countries, along with Afghanistan, in its top six. In UNHCR's longer term projections, Afghans and Somalis make up more than half of the 781,299 refugees identified as being in need of resettlement.

The top six countries of departure for resettled refugees in 2010 were Nepal, Thailand, Malaysia, Syria, Turkey and Kenya. UNHCR sees resettlement from these countries as priorities again in 2012 but with greater emphasis on resettlement from Syria and Kenya. In the longer term, UNHCR sees the greatest need for resettlement from Kenya, Pakistan, Malaysia, Iran and Chad.

These priorities are reflected in discussions of the ATCR and the Working Group on Resettlement (WGR), with six priority refugee situations nominated as needing particular attention by resettlement states: Somalis in Kenya; Afghans in Iran; refugees of various backgrounds in Turkey; Iraqis in Syria, Jordan and Lebanon; Colombians in various Latin American countries; and Afghans

¹⁰ This figure does not include resettlement processes for which UNHCR does not provide referrals, such as the US family reunion process and Australia's Special Humanitarian Program.

¹¹ DIAC's Africa region takes in the whole continent (including North Africa). The Europe region includes Turkey and the former Soviet republics of Central Asia. The Middle East and South-West Asia region includes Afghanistan, Pakistan and Iran. The Asia region stretches from India and China to the Pacific.

¹² Regions as defined by DIAC. Resettlement needs statistics were calculated from the limited circulation version of *UNHCR Projected Global Resettlement Needs 2012* made available to 2011 ATCR participants. The 2010 resettlement figures were calculated from *UNHCR Global Trends 2010* (Table 4, decreases by resettlement) and reflect resettlement only through UNHCR's referral processes.

in Pakistan. Two of the priority refugee situations nominated by the WGR in 2009 have been largely resolved: the situation of refugees in small Pacific island states and in Uzbekistan. The situation of refugees in Libya (also nominated in 2009 as a priority) changed dramatically in 2011, with Libya's internal crisis resulting in the flight of refugees to Tunisia and Egypt. During 2011, UNHCR has been seeking resettlement countries' assistance in resettling up to 5000 refugees previously in Libya.

3.2.2. The strategic use of resettlement

With resettlement available to fewer than 1% of the world's refugees in any year, it is essential that scarce resettlement places are used as effectively as possible, not only to protect the most vulnerable refugees who cannot be protected by other means but also to contribute to the protection of refugees who will not have access to resettlement. This question of the strategic use of resettlement is a topic which is regularly and enthusiastically discussed when governments and NGOs from resettlement states gather with UNHCR and others at meetings of the ATCR and WGR. Among the most useful reflections on the strategic use of resettlement was a paper presented to the 2010 ATCR gathering by UNHCR's Resettlement Service.¹³ The paper outlined some of the potential protection benefits of resettlement in countries of first asylum and in countries of resettlement and its potential value in advancing regional negotiations on refugee protection. It argued that, through the engagement of key stakeholders, some of the following protection benefits could be achieved:

(a) Protection benefits in countries of first asylum

- Strengthening the protection environment, such as access to asylum, adherence to the principle of non-refoulement and providing an alternative to long-term detention.
- Unlocking alternative durable solutions by creating conditions conducive for dialogue with a host country on building a more favourable protection environment and forging comprehensive solutions strategies.
- Impacting behaviour and attitudes in states of asylum to open access for refugees to livelihood opportunities, health care, employment, education and freedom of movement and residence.
- Assisting with the decongestion of camps or their consolidation, and reducing demands on assistance programs and scarce environmental resources.
- Reducing unnecessary in-country population movements, such as between urban areas and refugee camps and settlements, by strengthening access to resettlement in a balanced and equitable way within countries of asylum.
- Fostering community cohesion and providing opportunities for services previously accessible to refugees to be made available to neighbouring host communities.
- Strengthening civil society participation and capacity in the area of refugee protection.
- Impacting behaviour and attitudes of refugees and others of concern, for example through decreasing sexual and gender-based violence, increasing enrolment in education and vocational training, reducing dependency and encouraging livelihood options.
- Opening opportunities for remittances from resettled refugees to support the wellbeing of some refugees in countries of asylum.
- Strengthening refugee mobilisation and participation in peace-building initiatives.

(b) Protection benefits in countries of resettlement

- Expanding the range and quality of services available to refugees and asylum seekers.
- Reducing xenophobia and fostering positive attitudes towards refugees and their plight.
- Enriching the cultural and socioeconomic diversity within communities and enhancing connectivity between communities.

(c) Protection benefits in regional contexts

- Potentially reducing some of the push-pull dynamics of refugee movements.

¹³ UNHCR (2010). "UNHCR Position Paper on the Strategic Use of Resettlement", *Annual Tripartite Consultations on Resettlement*, Geneva: 6-8 July, <http://www.unhcr.org/refworld/pdfid/4c0d10ac2.pdf>

- Reducing the influence of trafficking or smuggling.
- Helping balance the burdens and responsibilities of receiving and hosting refugee arrivals.
- Generating interest in strengthening refugee protection and developing resettlement programs.

While not specifically mentioned in the UNHCR position paper, resettlement can also play a role, under the right conditions, in brokering some modest protection improvements in countries of origin. Generally, this would be possible only where the country has a relatively stable government which has been prepared (usually under sustained pressure from other states) to participate in multilateral discussions. The involvement of the Government of Vietnam, for example, was critical to the arrangements for the Comprehensive Plan of Action for Indochinese Refugees from 1989 to 1996.

In implementing a strategic approach to resettlement, UNHCR in its 2010 position paper suggests that a number of elements should be considered, including: defining the potential protection benefits and roles of key stakeholders before implementation begins; measuring these protection benefits as the strategy is implemented; building a sustained program over a period of years; ensuring a reasonable sharing of responsibility between resettlement states, the host country and UNHCR; and creating space for a key advocacy role for NGOs and civil society.

It is important, therefore, that when Australia and other countries embark with UNHCR on a significant resettlement program in a country of asylum, the protection goals are agreed and a strategy exists for engaging and following up the country of asylum and, where appropriate, the country of origin. Strategies of engagement and follow-up must not only include the government agencies responsible for resettlement but also the resettlement countries' diplomats and their aid programs.

One example of a large-scale resettlement program which has borne little fruit in terms of protection dividends for refugees and asylum seekers in the country of asylum has been the resettlement of Bhutanese refugees from Nepal. Australia played a critical role in the planning of this resettlement process and, in 2008, made a five-year commitment to resettling 5000 refugees in total. Collectively, around 50,000 refugees have been resettled from Nepal in less than four years. Another 25,000 are expected to be resettled in coming years. However, little has changed in Nepal in that time and, in Bhutan, the ill-treatment of the Nepalese-speaking minority continues unabated. Within Bhutan, 80,000 internally displaced persons, many of whom have had their land confiscated, live with no citizenship, no right to vote and limited access to education and health care. Australia's Department of Foreign Affairs and Trade (DFAT) and the Australian Agency for International Development (AusAID) – and their equivalents in other resettlement countries – should be working closely with DIAC and its resettlement partners in positively encouraging greater protection for refugees in Nepal and greater respect for human rights in Bhutan. While the large scale clearance of many refugees from camps where they have lived for two decades has clear and obvious protection benefits, the billions of dollars of resources put into this resettlement process must also result in long-term change in both Nepal and Bhutan.

The other two countries in the top three for resettlement departures over the past five years are Thailand (64,295 refugees resettled between 2006 and 2010) and Malaysia (28,146 resettled). In neither case would it be possible to argue that resettlement is being used strategically to bring about significant improvements in conditions for refugees and asylum seekers. In both countries, UN-recognised refugees and asylum seekers who have registered with UNHCR have no legal status, no legal protection, no right to work, no access to local education systems and restricted access to health services. Many asylum seekers and refugees have experienced arbitrary arrest, with the process of gaining release from detention particularly difficult in Thailand. In fact, Thailand has an appalling record, having committed some of the most outrageous breaches of refugee and asylum seeker rights in Asia while benefiting from a multi-billion dollar international refugee resettlement program.

While not supporting the Australian Government's proposal to send asylum seekers from Australia to Malaysia, RCOA welcomed the proposal to increase Australia's resettlement program by 1000

places per year for four years (from 6000 to 7000 places p.a.). We were dismayed by the Government's decision to withdraw the promised resettlement places after the High Court ruled the Malaysia arrangement unlawful, as this undermined Australia's capacity to use its role as Chair of the Working Group in Resettlement in 2011-12 to argue for much needed increases in resettlement quotas around the world.¹⁴ The decision to retain the annual increase of 1000 resettlement places from Malaysia (but within the smaller program of 6000 places) was even harder to accept, given that this increase will occur without any apparent strategy for how this expansion of resettlement will result in improved protection for refugees and asylum seekers within Malaysia.

3.3. AUSTRALIA'S CONTRIBUTION

3.3.1. Australia's role in refugee protection

Australia's generosity towards refugees is often discussed in public debates about national refugee policy, with claims and counter-claims about the nation's generosity or meanness. The claim that Australia is the world's most generous country on a per capita basis is incorrect, being based on a failure to comprehend the dual roles that asylum and resettlement play in providing protection for refugees. Australia does have the third largest refugee resettlement program and is the most generous resettler of refugees on a per capita basis. However, this position as per capita leader is under threat as Australia's resettlement program declines and Canada's increases. The problem with using resettlement alone as a yardstick to measure nations' commitment to refugee protection is that, as noted earlier, fewer than 1% of the world's refugees are protected through resettlement in any year.

A wider analysis of UNHCR's global statistics shows that in 2010 Australia was 25th for the number of asylum applications received (35th on a per capita basis), 27th for the number of asylum seekers recognised as refugees (30th per capita) and 34th for the number of asylum applications pending as at 31 December 2010 (48th per capita). Australia's ranking for the number of refugees being hosted (46th overall and 69th per capita) does not take account of the nation's involvement in resettlement. When the number of asylum seekers recognised as refugees in 2010 is combined with the number of refugees resettled in the same year, Australia is ranked 10th overall and 17th per capita. If the same statistics are viewed over eight years (2003-10), Australia is 18th overall and 26th per capita. These figures take into account protection afforded in recent years through asylum or resettlement but ignore the role of a number of countries (including Pakistan and Iran) in hosting large numbers of refugees over many years. When figures for refugees being hosted in 2010 are combined with 10 years of refugee resettlement figures, Australia is ranked 22nd overall and 24th per capita. This is a much more realistic figure as it balances the role of resettlement with the number of refugees resident in developing nations and with 10 years of refugee recognition in a selection of industrialised nations.

Table 3: Australian and international refugee statistics, 2010¹⁵

	Global total	Australian total	Australia's share	Rank	Per capita
Refugees under UNHCR mandate	10,549,412	21,805	0.21%	46	69
Asylum applications received in 2010	1,058,318	10,955	1.04%	25	35
Asylum applications pending, 31 December 2010	837,478	3,760	0.45%	34	48
Asylum seekers recognised as refugees, 2010	440,409	3,859	0.88%	27	30
Refugees resettled from other countries, 2010	98,761	8,516	8.62%	3	1
Refugees recognised or resettled, 2010	539,170	12,375	2.30%	10	17
Refugees recognised, registered or resettled, 2003-10	8,402,394	109,619	1.30%	18	26
Refugees hosted, 2010, and resettled, 2001-10	11,359,879	130,781	1.15%	22	24

¹⁴ Refugee Council of Australia (RCOA) (2011a), *Resettlement freeze sends wrong message* [media release]. Issued 17 October, http://www.refugeecouncil.org.au/news/releases/111017_humanitarian_intake.pdf

¹⁵ Statistics drawn from UNHCR Global Trends 2010

None of these statistics provides an accurate comparison of the role of each country in assisting refugees, as the capacity for and commitment to refugee protection varies greatly from country to country. However, when all these measures are looked at together, it is reasonable to say that Australia is in the top 20 or so for the number of refugees afforded protection and in the top 25 on a per capita basis.

Among the 44 industrialised countries UNHCR includes in its asylum trends analysis, Australia was third overall in 2010 for refugee recognition and resettlement and sixth on a per capita basis behind Norway, Sweden, Switzerland, Canada and Austria. When the same statistics are viewed over eight years, Australia was fourth overall (behind USA, Canada and UK) and eighth per capita (behind Malta, Switzerland, Sweden, Norway, Liechtenstein, Luxembourg and Canada).

3.3.2. Australia's involvement in refugee resettlement

The numerical link between Australia's resettlement program and its onshore protection process has resulted in a significant decline in the number of resettlement places over the past seven years. Between 2003-04 and 2010-11, Australia's resettlement program declined 31% from 13,061 resettlement visas issued to 8,971. As has been noted in past RCOA submissions, Australia is alone in applying a direct numerical link between its resettlement process and the recognition of asylum seekers and is the only country in the world to apply an overall cap to the numbers of refugees protected in any year. Refugee resettlement to Australia is now at one of its lowest points since the modern Refugee and Humanitarian Program was introduced in 1977. The 2010-11 resettlement program was the fourth smallest in 34 years – and on a per capita basis was the second smallest program in 35 years. The program of 22,470 resettlement places achieved by Australia in 1980-81 was, on a per capita basis, nearly four times more generous than the 2010-11 program. The 1980-81 program would be equivalent in per capita terms to a resettlement program of 33,750 today while the peak post-war year for resettlement (1949-50 when 89,199 refugees were resettled) would be equivalent to a resettlement program of 242,000 relative to Australia's 2011 population. The much-discussed growth in national wealth has not resulted in a more generous approach to resettling the most vulnerable.

It was ironic that, less than two months after the Government's decision not to proceed with the previously announced increase of 1000 places in the resettlement program, the Minister for Immigration and Citizenship was arguing the case for a commitment to a refugee intake of 20,000 places a year at the Australian Labor Party national conference. This notional long-term goal is welcome – RCOA has been arguing for a resettlement program of 20,000 places a year for some time – but the case for an increased commitment now to refugee resettlement is compelling.

As a leader in refugee resettlement, Australia has much to offer in promoting resettlement as a durable solution – a solution which could be used much more widely and more effectively to improve protection outcomes for refugees. RCOA is pleased to be working with DIAC in preparing for the first WGR meeting in Australia (in Melbourne in February 2012), to showcase Australian approaches to post-arrival support for resettled refugees and to contribute to international discussion about effective settlement strategies. Australia has the opportunity to lead by example, not only in demonstrating that resettlement benefits the host society but also in backing its commitment to resettlement by implementing a larger program.

3.3.3. Australia's support of UNHCR

RCOA has long argued for a greater national commitment to the work of UNHCR, given its pivotal role in refugee protection. The Australian Government deserves commendation for its substantial increase in funding for the agency. In the past seven years, Australia's contribution to UNHCR has trebled to more than \$50 million a year. This funding increase is even more valuable at a time when UNHCR faces the prospect of cuts in funding from traditional supporters in Europe and North America.

RCOA therefore welcomes the Australian Government's pledge at the recent ministerial-level meeting to commemorate the anniversaries of the Refugee Convention and the Convention on the Reduction of Statelessness, to continue its support of UNHCR through the provision of core and unearmarked funding.¹⁶ We encourage the Government to continue to progressively increase its funding to UNHCR to support its vital work in protecting and supporting refugees. In particular, we urge the Government, in line with its pledge to prioritise the protection of women and girls, to provide additional funding for UNHCR's special projects to address the specific threats and vulnerabilities faced by women and girls.

Table 4: Australian Government contributions to UNHCR, 2002-11

Year	Contribution in US dollars ¹⁷	Contribution in Australian dollars ¹⁸	Contribution in 2011 Australian dollars ¹⁹
2002	13,763,992	25,339,509	32,834,553
2003	10,468,020	16,141,687	20,368,456
2004	13,618,383	18,507,382	22,789,132
2005	13,276,439	17,431,964	20,944,200
2006	13,483,764	17,906,439	20,691,627
2007	13,689,110	16,358,486	18,518,845
2008	28,229,902	33,819,423	36,634,283
2009	32,873,500	42,143,827	44,995,475
2010	45,104,443	49,163,843	50,934,998
2011	56,195,615	53,329,639	53,329,639

RCOA also welcomes the Australian Government's pledge to support the work of UNHCR through promoting durable solutions for refugees, particularly those living in protracted situations. We commend the Government's commitment to enhancing the delivery of durable solutions through international advocacy, capacity-building initiatives and the strategic use of resettlement to "unlock" other solutions. However, we encourage the Government to consider how Australia's own Refugee and Humanitarian Program can contribute to the delivery of durable solutions. An increase in Australia's resettlement program and its disassociation from Australia's onshore protection program would support UNHCR's core objectives by providing additional opportunities for durable solutions. Consideration should also be given to reviewing policy approaches which undermine UNHCR's core objectives, such as those which restrict access to protection or place additional pressures on UNHCR's already overburdened resettlement program.

Australia's support for UNHCR is particularly critical in the Asia-Pacific region. Australia is one of the few countries in the region which provides consistent funding to UNHCR as well as supporting its work in protecting refugees and seeking solutions to refugee situations. Positive leadership from Australia could play a key role in enhancing support for UNHCR among other Asia-Pacific states. RCOA therefore welcomes the Australian Government's pledge to work towards operationalising a Regional Cooperation Framework in the Asia-Pacific region. Constructive regional cooperation would not only enhance protection outcomes for refugees and asylum seekers residing in the region but would also foster a more favourable working environment for UNHCR. For example, building the capacity of states in the region to offer protection and support to refugees could reduce the devolution of state responsibilities to UNHCR.

Further information and recommendations on the development of regional cooperation in Asia-Pacific can be found in Section 4 of this submission.

¹⁶ Bowen, C. (2011a) *Australian Statement to the UNHCR Intergovernmental Event at the Ministerial Level*, United Nations, Geneva, 7 December, <http://www.geneva.mission.gov.au/gene/Statement275.html>

¹⁷ Australia's contributions in US dollars drawn from *UNHCR 2011 Regional Operations Profile – East Asia and the Pacific: Australia* <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e487af6> (accessed 5/12/11)

¹⁸ Conversion from US to Australian dollars using exchange rates from *OECD Economic Outlook No. 89, (Annex Table 36: Nominal exchange rates)* http://www.oecd.org/document/61/0,3746,en_2649_34573_2483901_1_1_1_1,00.html

¹⁹ Conversion to June 2011 Australian dollars using June quarter index numbers for each year from *6401.0 Consumer Price Index, Australia (Tables 9 and 10. CPI: Analytical Series, Index Numbers and Percentage Changes)*, Australian Bureau of Statistics <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6401.0Jun%202011?OpenDocument>

3.4. FEEDBACK FROM CONSULTATION PARTICIPANTS

3.4.1. Groups in priority need of resettlement

Participants in this year's consultations raised numerous concerns about populations facing particular risks overseas. These included groups living in seriously protracted situations with few prospects of durable solutions; groups facing untenable living conditions and/or ongoing discrimination and insecurity in countries of asylum; and particularly vulnerable groups, such as women at risk of sexual and gender based violence, children (particularly unaccompanied minors) and people at risk of refoulement, detention or physical harm.

Groups nominated as being in priority need of resettlement over the coming year included:

- Sierra Leonean refugees residing in urban areas in Guinea-Conakry, who lack access to work rights, education and health care and face difficulties in registering with UNHCR.
- Afghan Hazara refugees in Pakistan facing ongoing violence and insecurity, and lacking access to UNHCR.
- Refugees residing in Iran without work rights or freedom of movement.
- Iraqi refugees in Syria and Jordan facing increasingly difficult living conditions due to rising costs of food, fuel and rent, exploitative, unstable work and, in the case Christian refugees, discrimination and insecurity due to their faith.
- Palestinians in Iraq facing disadvantage due to their lack of citizenship.
- Mandaean refugees from Iraq facing ongoing discrimination and persecution in Syria and Jordan.
- People at risk of persecution or reprisal due to their collaboration with Australian Defence Force personnel.
- Refugees from various African nations (Ethiopia, Eritrea, Somalia) at risk of detention in Egypt after attempting to cross into Israel.
- Somali and Sudanese refugees in protracted situations in camps in Kenya and experiencing a deterioration of living conditions following the increased movement out of Somalia.
- Eritrean refugees residing in Sudan without access to UNHCR and those compelled to attempt dangerous sea journeys due to fear of persecution in their country of origin.
- Burundian refugees facing discrimination in camps in Tanzania, Malawi and Kenya and lacking access to adequate settlement assistance.
- Rwandan refugees subject to the cessation clause who continue to fear persecution in their country of origin.
- Nuba refugees from Sudan residing in Kenya, Ethiopia, Syria, Yemen and Iraq without access to durable solutions, with particular priority given to refugees of African descent facing discrimination in predominantly Arab nations.
- Bantu refugees from Somalia facing ongoing discrimination in countries of asylum.
- Burmese refugees living in a protracted situation in camps on the Thai-Burma border, who are barred from UNHCR's registration processes and face severe restrictions on their freedom of movement.
- Refugees residing in Malaysia at risk of detention and caning due to their lack of legal status.

Some concerns were raised about groups facing persecution on Convention grounds but still residing in their countries of origin. These included members of the Baha'i community in Iran, and Christian minorities in Iraq who fear the continuation of discrimination if they flee to neighbouring countries. Participants in one consultation also raised concerns about the situation of internally displaced persons who are often in refugee-like situations but lack access to a commensurate level of international protection and assistance.

3.4.2. Australia's role in responding to international refugee needs

Consultation participants saw a clear role for Australia's resettlement program in addressing international refugee needs. There was strong support for an increase in Australia's offshore

resettlement program to provide increased opportunities for durable solutions. Several participants also called for the resettlement program to be more responsive to changes in international needs. In the words of one service provider “the number of refugees in the world is increasing but the [resettlement] allocation has not increased”.

In addition to providing resettlement places, participants saw a role for Australia in advocating at an international level to improve access to resettlement. It was suggested that Australia could play an active role both in encouraging states to develop resettlement programs or offer additional places within existing programs, and raising awareness about “forgotten” refugee populations in need of resettlement. Participants also highlighted the need for greater cooperation between resettlement states (particularly Australia, the United States and Canada) to prevent the separation of families and the fragmentation of small minority groups through resettlement. Numerous examples were provided of family members being resettled in several different countries and facing serious difficulties when attempting to reunite. Representatives from the Mandaean community expressed concern about their dispersal to several countries through resettlement and the impact this had on their ability to maintain their culture.

While an increase in global resettlement places was seen as essential, participants also recognised the limitations of resettlement and proposed that the Australian Government should explore opportunities for enhancing access to other durable solutions. In particular, participants noted the need to address the root causes of flight in countries of origin and create conditions conducive to safe, dignified and sustainable return. It was suggested that the Government could raise awareness about conditions in refugee-producing countries at an international level and place pressure on states unwilling to protect their populations; and assist international efforts to build peace and security in refugee-producing countries and bring the perpetrators of human rights abuses to justice.

It was also suggested that Australia should provide support for countries hosting large numbers of refugees, with a view to improving security and living conditions in situations where durable solutions remain elusive. Increased funding for UNHCR was put forward by several participants as a strategy for improving protection and enhancing access to registration and durable solutions. Several participants expressed concern about the limited reach of UNHCR, with a number of people from refugee backgrounds citing difficulties in accessing UNHCR registration processes. In the words of one representative from the Hazara community, “people can’t stay in Pakistan because there is no chance of even seeing a UNHCR officer”. Others suggested that the Australian Government should support education and training programs in countries of asylum, to build capacity among refugee communities, improve access to livelihoods and enhance settlement outcomes for people who are eventually resettled.

A number of participants highlighted the need for greater engagement with refugees residing overseas and diaspora communities in Australia when identifying resettlement priorities. It was noted that refugee background communities often have valuable knowledge of the situation within countries of origin and asylum. One participant also noted the importance of supporting refugee leadership at an international level, welcoming RCOA’s work in supporting people from refugee backgrounds to advocate on behalf of their communities at meetings of UNHCR.

3.4.3. Offshore processing issues

As in previous years, communities raised numerous concerns about offshore processing issues, including: issues with authentication of documents; names and birthdates being incorrectly recorded at the time visas are processed (e.g. people arriving as “Mr Unknown”, people arriving with a birth date that does not have a year listed); discrimination (e.g. Iraqi Christians being processed by Muslims in countries of asylum where they are experiencing persecution based on their faith); and fraud (e.g. people “buying” stories and UNHCR identification, poor verification processes, the sale of files from Africa to Egyptian asylum seekers). One participant reported that she had approached UNHCR to have her visa changed after her name was recorded incorrectly but was simply told: “You’re lucky you’re going to Australia.” Several participants reported that

some refugees arriving in Australia were not actually members of the national or ethnic group to which they claimed to belong, an issue which had created distrust within communities. One community member suggested that more vigorous verification processes could be established relatively easily, such as through asking neighbours and community leaders within refugee camps or communities to verify relationships during the processing of resettlement applications.

The incorrect recording of names and birth dates in particular was highlighted as being a significant source of stress and frustration for refugees settling in Australia. It was noted that incorrect birth dates, for example, can affect eligibility for services and support such as pensions, youth allowances, Medicare and driver's licenses. Participants at one consultation noted that different government agencies assigned different "default" birth dates, which may not be recognised by other agencies. Several service providers reported that both they and their clients had experienced difficulties in resolving issues related to incorrect documentation. Some who had contacted DIAC for assistance reported being referred from one staff member to another without receiving a definitive answer, or receiving inconsistent information from different staff members. In the words of one service provider: "We are going in circles and no one is resolving it". Another service provider noted: "To change names through official channels is a gruelling process of forms upon forms upon forms. Aren't they traumatised enough?"

3.5. PRINCIPLES FOR AUSTRALIA'S RESPONSE

The feedback from this year's consultation process emphasises the need for the Australian Government to support refugee protection through resettlement, its aid and development programs and diplomatic initiatives. In previous years, we have argued for an overarching Government strategy which promotes refugee protection through the work of DIAC, AusAID and DFAT. Given the amount of Government and political attention devoted to questions of refugee policy, progress towards a whole-of-government approach to refugee protection has been surprisingly slow. RCOA welcomes the preparation by AusAID of a draft Humanitarian Action Policy²⁰ and their plan to develop a small unit within AusAID to focus on protection issues. RCOA looks forward to the finalisation of the policy in consultation with the Australian Council for International Development (ACFID) Protection Working Group and is keen to learn more about how this unit will engage with refugee protection questions. The negotiations associated with the Bali Process have resulted in some improvements in cooperation between DIAC, AusAID and DFAT. We note the pledge made by Minister Bowen on Australia's behalf at the UNHCR Ministerial Meeting in Geneva in December 2011 to "support durable solutions for refugees through enhanced linkages between humanitarian assistance, early recovery and development programming".²¹ We look forward to the linkages between resettlement, aid and diplomatic action maturing to the point where the Australian Government can outline a coherent overall strategy on its approach to supporting refugee protection.

Australia's Refugee and Humanitarian Program for 2012-13 should be developed with the following principles in mind:

1. **The need for resettlement to be made widely available as a durable solution.** As noted earlier, resettlement is all too rare and numbers of resettlement places are declining globally and nationally. We support the Minister for Immigration and Citizenship in his goal of expanding the program to 20,000 places a year and recommend that the Government set a timeframe to achieve this goal. Australia's chairing of the global dialogue on resettlement in 2012-13 (through the WGR and ATCR) provides an unparalleled opportunity for Australia to promote the case for an increase in global resettlement places. The best way to do that is to lead by example, increasing the resettlement program in 2012-13 and outlining a strategy for further expansion in future years.

²⁰ Australian Agency for International Development (AusAID) (2011), *Humanitarian Action Policy*. Canberra: AusAID http://www.ausaid.gov.au/publications/pubout.cfm?ID=1014_2542_6419_997_7245

²¹ Bowen 2011a, ¶ 17.

2. **A focus on resettling the most vulnerable.** Every resettlement place is highly valuable and must be carefully targeted to achieve maximum effect. Within populations of refugees in need of resettlement, priority should be given to those in the greatest need, including refugees whose vulnerability is heightened by disability, risk of sexual and gender-based violence, detention or risk of detention and isolation from community support (e.g. refugees who live in small numbers in countries of asylum well outside their region of origin and have little prospect of local integration).
3. **An emphasis on maintaining family unity.** The support offered by family is critical to both the protection and settlement of refugees (a point developed further in Section 5.2). Australia's humanitarian program must give significant priority to reuniting families, both through the processes of resettlement and through providing accessible and affordable opportunities for family reunion for refugees who have already arrived in Australia.
4. **The strategic use of resettlement to promote broader refugee protection.** As noted in Section 3.2.2, resettlement should be used in situations where it can unlock protection options for much larger groups of refugees than those being resettled. Where this is being attempted, the resettlement program should be supported by diplomatic efforts and, where appropriate, aid to governments to improve living conditions and access to livelihoods for refugees and host communities. Where Australia is considering any significant program of resettlement from a host country, it should do everything possible to explore how this resettlement process might encourage the host country to take steps towards improving conditions for resident refugee populations – and follow up during and after the resettlement process to explore how these increased protection opportunities can be maximised. Civil society organisations in the host country and in resettlement states (including Australia) can also play a constructive role in pressing for the local strategic protection benefits of resettlement to be enhanced.
5. **The need to balance resettlement needs in different regions.** While resettlement can be used strategically in particular regions at times to broker broader protection solutions through regional cooperation, this must be balanced with considerations about global protection needs. As noted in 3.2.1, UNHCR estimates that 78% of total resettlement needs are in Africa and the Middle East and South West Asia regions. A significant regional focus on Asia would be arguable if Australia was offering increased resettlement to assist in brokering significant protection improvements through regional cooperation. However, in the absence of this, the case for a program which more fairly balances needs across different regions is compelling.
6. **A coherent overarching government strategy for refugee protection.** Earlier in Section 3.5, we noted the need for a whole-of-government approach to refugee protection, combining resettlement strategies, financial and practical support for UNHCR, other aid and development assistance and diplomatic action on human rights in refugees' countries of origin and asylum. We would welcome this being articulated clearly, so that the Australia Government's strategy can be clearly understood, evaluated and progressively improved. Such a strategy would also provide a positive example for other nations to consider.

Recommendation 1

RCOA recommends that the Australian Government develop a five-year plan to expand its offshore Refugee and Humanitarian Program to 20,000 places per year.

Recommendation 2

RCOA recommends that the Australian Government develop, publish and implement a framework for Australia's refugee resettlement program based on priority resettlement to the most vulnerable refugees, the promotion of family unity, the strategic use of resettlement and the consideration of global resettlement needs in the development of regional allocations.

Recommendation 3

RCOA recommends that the Australian Government support the announcement of the 2012-13 Refugee and Humanitarian Program with a clear articulation of how the Government plans to use the collective efforts of its different agencies (including DIAC, AusAID and DFAT) to promote refugee protection in the Asia-Pacific region and globally.

4. REGIONAL COOPERATION IN ASIA-PACIFIC

4.1. DEVELOPMENTS DURING 2011

4.1.1. Developments through the Bali Process

This year has seen a number of key developments through the Bali Process which have created significant potential for enhancing regional cooperation on protection issues. The development in March 2011 of the first in-principle regional agreement to act collectively on refugee protection²² at the Fourth Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime represented a substantial breakthrough in working towards a cooperative regional approach to refugee protection. The recognition by participating states of the importance of cooperation to addressing the complex protection challenges in the region, and the acknowledgement in the agreement of several key protection principles, clearly demonstrated that opportunities do exist for constructive dialogue and positive engagement on refugee protection issues with Asia-Pacific states.

This was further demonstrated at the Fifth Meeting of Bali Process Ad Hoc Group Senior Officials in October 2011, which focused on developing a framework for the implementation of the Regional Cooperation Framework agreed to in March. Of particular note was the agreement by participants to progress the establishment of a Regional Support Office (RSO) “to facilitate the operationalisation of the Regional Cooperation Framework and to support and strengthen practical cooperation among Bali Process Member States regarding refugee protection and international migration”.²³ Through providing a focal point for information sharing, capacity building, exchange of best practice, pooling of resources and logistical support, the proposed RSO could play a key role in transforming the aspirational goals of the March agreement into a practical reality.

In a region where most countries are not party to the Refugee Convention and protection issues generally have a low profile, the discussions on protection issues through the Bali Process during 2011 have been a significant and welcome step forward. While progress on implementation has been limited as yet, it is hoped that the establishment of the proposed RSO will help to ensure that the notable progress made through the Bali Process this year will lead to concrete outcomes.

4.1.2. Australia’s bilateral arrangements with Malaysia and Papua New Guinea

The positive developments through the Bali Process during 2011 have contrasted starkly with Australia’s negative leadership in pursuing offshore processing arrangements with Malaysia and Papua New Guinea. While both bilateral arrangements have been promoted by the Australian Government as forming part of a regional response to refugee protection issues,²⁴ neither can be seen as a constructive response to the complex protection challenges in the Asia-Pacific region.

RCOA’s concerns relating to the Malaysia and Papua New Guinea arrangements have been well documented elsewhere²⁵ and it is not the purpose of this submission to reiterate these in detail. We confine ourselves to noting the most serious concerns raised by RCOA and others in relation to these arrangements. With regards to the Malaysia arrangement, these have included: Malaysia’s

²² Bali Process (2011). “Final Co-Chair’s Statement.” *Fourth Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime*. Bali, Indonesia: 29-30 March, http://www.baliprocess.net/files/110330_FINAL_Ministerial_Co-chairs%20statement%20BRMC%20IV.doc; ¶ 16.

²³ Bali Process Steering Group (2011). “Note on the Operationalisation of a Regional Cooperation Framework in the Asia-Pacific Region.” *Fifth Meeting of Bali Process Ad Hoc Group Senior Officials*. Sydney, Australia: 12 October, <http://www.baliprocess.net/files/111012%20Steering%20Group%20Note%20on%20RCF%20-%20FINAL.docx>; p. 1.

²⁴ See Office of the Minister for Immigration and Citizenship (2011). *Joint statements by the Prime Ministers of Australia and Malaysia on a regional cooperation framework* [media release]. Issued 7 May, <http://www.minister.immi.gov.au/media/cb/2011/cb165099.htm>; Office of the Minister for Immigration and Citizenship (2011). *Australia and Papua New Guinea Sign MoU* [media release]. Issued 19 August, <http://www.minister.immi.gov.au/media/cb/2011/cb170699.htm>

²⁵ See RCOA (2011b). *Submission to the Legal and Constitutional Affairs Committee Inquiry into Australia’s Agreement with Malaysia in Relation to Asylum Seekers*. Surry Hills: Refugee Council of Australia, http://www.refugeecouncil.org.au/resources/submissions/1109_Malaysia_sub.pdf

poor human rights record and routine mistreatment of refugees and asylum seekers; the lack of detail provided about post-transfer assessment procedures and post-arrival support services, including mechanisms for addressing the needs for vulnerable groups (particularly unaccompanied minors); the failure of the arrangement to address the issues which compel asylum seekers to travel to Australia by boat; and the fact that the arrangement will undermine the potential for constructive regional cooperation on refugee protection.

In relation to the offshore processing facility on Papua New Guinea's Manus Island facility, concern has been expressed that this approach would represent a return to Pacific Solution-style arrangements, which in the past have been shown to be highly destructive to the wellbeing of asylum seekers and ineffective in resolving the complex protection challenges in the region. Despite its claim that the current arrangement with Papua New Guinea would act as a "complement" to other cooperative arrangements,²⁶ the Australian Government has not yet provided any information to suggest that its planned arrangements on Manus Island would differ markedly from those previously in place under the Pacific Solution – with their associated negative impacts.

Despite its stated commitment to furthering the development of a Regional Cooperation Framework, the Australian Government's pursuit of bilateral arrangements with Malaysia and Papua New Guinea over the past year has done nothing to improve protection standards in the region or enhance cooperation on protection issues among Asia-Pacific states. On the contrary, through developing arrangements which risk causing serious harm to people seeking protection and which defer Australia's protection obligations to other states, the Australian Government has undermined the potential for enhancing regional cooperation. If the Government is genuinely committed to engaging constructively on protection issues with other states in the region, it must fundamentally change the premise from which it approaches this task.

4.2. FEEDBACK FROM CONSULTATION PARTICIPANTS

As in 2010, consultation on the question of regional cooperation on refugee protection issues yielded limited feedback. While the level of engagement on this issue had increased compared to the previous year, many comments were general rather than specific and some participants found it difficult to provide feedback due to a lack of clarity for them about what "regional cooperation" could involve. Nonetheless, a number of key themes emerged, relating to two key areas: responses to current policy approaches and issues to be considered in developing a regional cooperation framework.

4.2.1. Responses to current policy approaches

One of the clearest messages to emerge from this year's consultations was that offshore processing in general, and Australia's arrangement with Malaysia in particular, were not seen by consultation participants as constructive approaches to regional cooperation. Indeed, several participants felt that offshore processing could not be seen to constitute regional cooperation – in the words of one participant, "engaging countries in offshore processing is not regional engagement".

Concerns about current policy approaches fell into two main categories. Firstly, policies based on deterrence, which have as their primary aim preventing asylum seekers from travelling to Australia by boat, were seen as being counterproductive to the development of regional cooperation. Such approaches were generally viewed as attempts to shift Australia's obligations elsewhere rather than as genuine strategies for enhancing cooperation and sharing of responsibility. It was felt that Australia – as a wealthy nation with a long history of providing protection to refugees and as a signatory to the Refugee Convention – should be demonstrating leadership in refugee protection rather than attempting to deflect its obligations to other states.

²⁶ Office of the Minister for Immigration and Citizenship 2011, *Australia and Papua New Guinea Sign MoU*.

Secondly, while acknowledging the need to engage with other countries in the region on refugee protection issues, participants expressed serious concerns about the transfer of asylum seekers to countries where their safety and wellbeing cannot be assured. This concern was particularly prominent in discussions on Australia's arrangement with Malaysia. Participants highlighted Malaysia's non-signatory status and its routine mistreatment of people seeking protection as the key reasons for their reservations about the arrangement. Participants also opposed the differential treatment of asylum seekers according to their mode of arrival, with some asserting that this constitutes a form of discrimination.

It is significant that the key concerns expressed about current policy approaches were very similar to those expressed in last year's consultations in relation to the proposed regional processing centre in Timor-Leste. In both cases, the policies under discussion aimed to deter asylum seekers from travelling to Australia by boat through transferring boat arrivals to a territory where protections for transferees were tenuous or unclear. In both cases, consultation participants expressed concerns about the deflection of Australia's responsibilities to other states and consequent undermining of potential for regional cooperation, and questioned the capacity of the proposed host countries to ensure the safety and wellbeing of transferees.

4.2.2. Issues to be considered in developing a regional cooperation framework

It is important to note that, while consultation participants in general did not support current policy approaches, they did recognise the importance of regional and international cooperation to addressing the key protection challenges in the Asia-Pacific region and expressed clear support for the development of a sustainable and constructive regional cooperation framework.

Consultation participants expressed a strong desire for Australia to show leadership in the development of a regional cooperation framework. They called on Australia to uphold its international obligations towards people in need of protection and demonstrate a clear commitment to sharing responsibility for refugee protection in an equitable manner. Many participants expressed frustration at the politicisation of refugee issues in Australia and the tenor of the current public debate, particularly regarding the issue of boat arrivals. It was felt that the adversarial political climate in Australia and the overwhelming focus on asylum seekers arriving by boat at the expense of other protection issues had hampered the development of an effective and sustainable regional cooperation framework. Participants highlighted the need for more constructive engagement on this issue not only between states in the region but also between political parties in Australia.

A central message to emerge from the consultations was that regional cooperation should aim to address protection challenges at their source. Participants identified conditions in countries of origin and asylum as being the key factors compelling asylum seekers to travel to Australia by boat and advocated an approach aimed at improving these conditions. In the words of one consultation participant, the aim of regional cooperation should be to "make these countries safe places to live". In particular, participants suggested that Australia should provide support and assistance to countries hosting large numbers of refugees, through the provision of training and resources and the sharing of expertise. Participants also saw a clear role for resettlement in addressing protection issues in the region, noting the need to enhance safe, authorised channels for humanitarian migration. The idea of an increase in Australia's Refugee and Humanitarian Program was strongly supported. It was also suggested that Australia engage in advocacy at an international level to highlight resettlement needs in the Asia-Pacific region.

Some participants saw a role for the Bali Process in developing a regional framework but others expressed reservations due to the lack of concrete outcomes emerging from the Bali Process and the tendency of participating states to focus on issues of domestic interest, rather than on overarching protection challenges. Several participants also highlighted the need to support the involvement of UNHCR and NGOs (including local NGOs in countries of asylum) in both the development and operationalisation of a regional cooperation framework. The involvement of non-

state bodies was seen as being key to ensuring the credibility and effective implementation of any regional framework.

Interestingly, Australia's treatment of asylum seekers arriving by boat was generally viewed as a separate issue from regional cooperation. When asked for feedback on strategies for enhancing regional cooperation and responding to key protection challenges in the region, participants focused on strategies for addressing the factors which compel asylum seekers to travel by boat, rather than on strategies for the management and processing of asylum seekers who arrive by boat. While there was general agreement that regional cooperation was central to addressing onward movement in the region, the processing of asylum seekers who arrive by boat was viewed as a primarily domestic issue. There was a general consensus that all asylum seekers arriving in Australia should be Australia's responsibility, regardless of their mode of arrival.

4.3. UNHCR EXPERT MEETING ON INTERNATIONAL COOPERATION

In June 2011, as part of a series of events to mark the 60th anniversary of the 1951 Refugee Convention, UNHCR convened an Expert Meeting on International Cooperation to Share Burdens and Responsibilities in Amman, Jordan. The purpose of the meeting was to explore ways in which international cooperation to address refugee challenges could be enhanced. The outcomes of the meeting provide a useful framework for reflection on Australia's own approaches to regional cooperation.

4.3.1. Elements of success

Having considered past examples of international cooperation, participants in the meeting identified a number of key elements which contribute to the success of cooperative arrangements:

- Clear ownership and political leadership by states, as well as adequate follow up and monitoring arrangements, to ensure sustainability.
- Allowing for differentiated contributions by states, according to needs and capacities, to encourage cooperation and create political momentum.
- Early involvement of countries of origin, on the condition that this involvement does not limit protection space or create a risk of refoulement.
- Preparedness, management and partnerships, including the establishment of "pools" of funds or resources to help ensure that responses are timely and effective without limiting flexibility.
- Close cooperation and regular communication among stakeholders, including states, international organisations, NGOs and affected refugee and host communities.

It was also noted that cooperative arrangements may build on or be incorporated into existing regional processes, providing that adequate protection safeguards are included.

These elements of success are not evident in the bilateral arrangements pursued by Australia over the past year. For example, insofar as they attempted to shift Australia's protection obligations to other states, Australia's arrangements with Malaysia and Papua New Guinea demonstrated a lack of ownership and political leadership on protection issues. The absence of clear commitments on Malaysia's part to addressing its standards of treatment for people seeking protection similarly illustrated this absence of ownership and leadership. Additionally, the arrangements did not include adequate opportunities for engagement with all stakeholders, particularly affected refugee communities and local NGOs.

Furthermore, the elements of success identified above collectively suggest that effective cooperative arrangements are holistic in their approach, involving multilateral arrangements between countries of origin, asylum and resettlement, encompassing a range of strategies and contributions by states, and taking a proactive approach to addressing and preventing forced displacement. This is not reflected in Australia's arrangements with Malaysia and Papua New Guinea, which are bilateral, reactive and focus almost exclusively on resettlement and deterrence as strategies for addressing protection challenges.

4.3.2. A common framework on international cooperation

Following on from the consideration of the elements of success in cooperative arrangements, it was concluded that the development of a common framework on international cooperation could serve as a practical means of exploring the ways in which cooperation can be enhanced. It was suggested that this framework could comprise of two key elements: a set of understandings to support the framing of specific cooperative arrangements, and an operational toolbox to provide a set of templates, actions and instruments that may be drawn on to develop cooperative arrangements to address particular situations.

A template of suggested principles to inform the set of understandings was developed, stipulating that cooperative arrangements should:

- Aim to enhance available protection space, including prospects for durable solutions for refugees.
- Act as a complement to states' protection responsibilities and not a substitute for them.
- Share, not shift, burdens and responsibilities among states.
- Reflect a common approach and take into account the particular interests of and challenges for all states involved.
- Be guided by general principles, such as international cooperation, humanity and dignity, and be in line with international refugee and human rights law.
- Take into account the autonomy of individual asylum seekers and refugees, especially where arrangements involve physical relocation.
- Be adapted to the specific situation to be addressed.
- Ensure that states remain responsible for meeting their international obligations and do not devolve this responsibility to international organisations or NGOs.
- Involve international organisations and NGOs as appropriate, depending on the circumstances.

Suggested elements for an operational toolbox included a compendium of practical examples of previous cooperative arrangements; guidance on the nature and scope of temporary protection schemes; a checklist or standard operating procedures for humanitarian evacuation and resettlement arrangements; a sample regional cooperation framework providing an overview of some elements to consider addressing as part of a regional approach; a sample framework for cooperation in distress at sea situations; and sample readmission agreements, particularly for addressing "irregular onward movements".

Australia's bilateral arrangements with Malaysia and Papua New Guinea not only failed to reflect, but actually undermined, many of the suggested principles outlined above. Neither arrangement would have enhanced protection space; in fact, as outlined above, they risked causing harm to people seeking protection. Both acted as a substitute for rather than a complement to Australia's protection obligations towards asylum seekers arriving by boat. Both arrangements were primarily concerned with addressing boat arrivals to Australia, with little consideration given to addressing the key protection challenges faced by Malaysia or Papua New Guinea. Neither arrangement represented a genuinely cooperative approach to addressing protection challenges, nor were they sufficiently informed by human rights principles and international refugee law. The autonomy of asylum seekers and refugees was not taken into account in either case, despite the fact that both arrangements involved physical relocation to territories where protection safeguards were tenuous at best. Under the Malaysia arrangement, responsibilities which should have lain with states – such as refugee status determination and providing access to medical care – were devolved to UNHCR.

On a more positive note, the RSO could play a key role in developing an operational toolbox for cooperative arrangements in the Asia-Pacific region. Indeed, several of the elements suggested for inclusion in the toolbox (such as development of standard operating procedures and research into distress at sea situations) have already been flagged as potential projects for the RSO. This affirms the importance of the RSO to the effective implementation of the proposed Regional Cooperation Framework.

4.3.3. Working groups on particular refugee situations

Further issues were discussed in a series of working group discussions on particular refugee situations. In relation to large-scale and mass influx situations, it was noted that establishing pre-existing “pools” of emergency funding, humanitarian evacuation or emergency resettlement places can assist in responding to these situations. Participants cautioned against the use of border closures to trigger cooperation and attention from other states, emphasising that “an absence of international cooperation does not allow states to avoid their international obligations to asylum seekers, refugees and other persons in need of international protection”.²⁷

Protracted refugee situations were identified as one of the cases where international cooperation was most needed. It was noted that historical examples of protracted situations which have been successfully “unlocked” demonstrated the importance of context-specific sustained engagement, usually multi-year; clear ownership of the process; differentiated support and participation; a clearly defined role for civil society; a special facilitator role for UNHCR; and good partnerships.²⁸

It was also noted that identifying an appropriate balance of solutions (resettlement, local integration and voluntary repatriation, as well as material, technical and financial assistance) may encourage states to become involved in cooperative arrangements according to their capacity. The key role of refugee leaders in finding solutions was also acknowledged. The use of protection-sensitive migration as part of a cooperative approach was highlighted as an issue which merited further exploration, for example by conducting a survey of countries that admit refugees into international migration quotas, or conducting a pilot project.

The working group on rescue at sea emergencies involving asylum seekers and refugees suggested that the development of frameworks to clarify responsibilities for rescue, disembarkation, processing and provision of protection and durable solutions could facilitate cooperative approaches and sharing of responsibility. For example, it was suggested that “a state may be prepared to provide a place of disembarkation and processing if another state is able to offer durable solutions to some refugees through resettlement”.²⁹

The working group on mixed migration and irregular movement noted that mechanisms for the transfer of responsibility between countries for refugee protection may be part of cooperative responses to “irregular onward movements” through return or readmission agreements. However, it was emphasised that such arrangements need to meet international standards, including protection against refoulement, basic human rights, respect for dignity, and provisions for those with specific needs. It was further noted that transferring states remain responsible under international law for ensuring that protection standards are met in the country to which people are transferred. Additionally, it was suggested that the harmonisation of access to and standards of protection between states, including through technical, financial and material assistance to develop capacity, can assist in addressing irregular movement.

Again, the issues discussed by the working groups are not reflected in the bilateral arrangements pursued by Australia. For example, the arrangements run counter to the principle noted by the working group on large scale situations, in that Australia’s response to onward movement – a phenomenon which is symptomatic of the lack of cooperation on improving protection standards across the region – has been to deflect its international obligations. In contrast to the suggestion put forward by the working group on protracted refugee situations, Australia’s arrangements with Malaysia and Papua New Guinea focus almost exclusively on resettlement as the preferred durable solution, rather than identifying a balance of solutions. Little attention has been given in either case to using resettlement as a strategic tool to “unlock” other solutions, as encouraged by the working group on rescue at sea. While the working group on mixed migration and irregular

²⁷ UNHCR (2011d), “Summary Conclusions”. *Expert Meeting on International Cooperation to Share Burdens and Responsibilities*. Amman, Jordan: 27-28 June, <http://unhcr.org.au/unhcr/images/Amman%20Summary%20Conclusions%20FINAL.pdf>; Annex 1, ¶ 4.

²⁸ UNHCR 2011d, “Summary Conclusions”, Annex 1, ¶ 6.

²⁹ UNHCR 2011d, “Summary Conclusions”, Annex 1, ¶ 13.

movement acknowledged that transfer of responsibility could occur in some circumstances, neither of Australia's bilateral arrangements include sufficient safeguards to ensure that the necessary international standards would be met.

In summary, Australia's proposed bilateral arrangements with Malaysia and Papua New Guinea cannot, in this analysis, be seen to constitute appropriate, constructive or effective examples of cooperative arrangements. This again clearly indicates the need for Australia to reassess its approach to regional cooperation.

4.4. TOWARDS A REGIONAL COOPERATION FRAMEWORK

In view of the issues and concerns discussed above, RCOA strongly urges the Australian Government not to pursue its bilateral arrangements with Malaysia and Papua New Guinea and instead focus on developing a sustainable and constructive regional protection framework in the Asia-Pacific region.

The positive developments through the Bali Process over the past year provide a useful foundation for working towards a more constructive approach to regional engagement on protection issues. That said, some issues have yet to be satisfactorily addressed through the Bali Process and further development of the proposed Regional Cooperation Framework will be necessary to ensure that it effectively addresses the region's key protection challenges.

In considering future strategies for enhancing regional cooperation, particular attention should be given to addressing the issues identified as shortcomings or limitations of Australia's proposed bilateral arrangements and the frameworks developed through the Bali Process. These limitations relate to three main areas: key protection challenges, durable solutions and genuine cooperation and sharing of responsibility.

4.4.1. Key protection challenges

RCOA's submission on the 2011-12 Refugee and Humanitarian Program contained a detailed overview of protection issues in the Asia-Pacific region. It is not the intention of this submission to reiterate these in detail. However, we note that the protection environment in the region has not improved significantly over the past year, and the key protection challenges highlighted in our previous submission remain unresolved. These challenges include limited recognition of refugee status; inadequate standards of reception, status determination and protection; widespread use of detention; extremely difficult living conditions, including lack of access to livelihoods; and lack of access to timely durable solutions. The fear and insecurity faced by refugees and asylum seekers subject to these conditions remains the primary driver of onward movements by people seeking protection in the Asia-Pacific region.

RCOA has consistently argued that the key to addressing the complex protection challenges in the region, including onward movement, lies in improving standards of reception, status determination and protection across the region. The policy approaches pursued by the Australian Government over the past year, however, have failed to address these challenges. Both the arrangement with Malaysia and the proposed reopening of the processing centre on Papua New Guinea's Manus Island had as their primary aim deterring asylum seekers from arriving by boat. There has not been a comparable level of commitment by the Australian Government to addressing the serious shortcomings in refugee protection which remain the principal driver of onward movement across the region. As such, the Australian Government's approach has focused almost exclusively on the symptom of a broader and more complex problem, rather than its root cause.

Of perhaps even greater concern is the fact that the policies pursued over the last year have had the potential to seriously undermine protection principles. Not only has the Australian Government's approach risked causing serious harm to people seeking protection, it sets a damaging precedent in a region where protection standards are already poorly respected.

The development of a constructive approach to regional cooperation must begin with Australia's modelling of the protection-centred practices it wishes to see replicated throughout in the region. As a nation with a long history of successfully settling refugees and humanitarian entrants and as one of the few countries in the region which is party to the Refugee Convention, Australia must be prepared to show leadership by upholding international obligations and avoiding the deflection of these obligations. Australia must also review policies such as indefinite mandatory detention which, if copied elsewhere, would further undermine protection principles.

RCOA therefore commends the Australian Government's decision to expand community processing of asylum seekers through the progressive release on bridging visas of detainees who have passed initial checks, and the move towards a single system of processing for all asylum seekers regardless of their mode of arrival. These positive reforms are practical demonstrations of Australia's leadership on protection issues and we urge the Government to adopt similarly constructive reforms in relation to policy on regional cooperation.

Discussions on refugee protection issues through the Bali Process over the past year have generally shown greater consideration for protection principles than the policies pursued by the Australian Government. In particular, several of the suggested activities for the RSO have the potential to significantly improve standards of protection across the region. These include the pooling of best practice on reception, registration and protection; supporting the development of domestic legislation on refugee protection; the development of training modules; supporting the harmonisation of procedures for refugee status determination and protection across the region; and assisting states to strengthen their capacity to provide support and services to people in need of protection.

RCOA notes, however, that several of the projects likely to have the greatest protection dividends have not been considered urgent priorities, particularly those related to improving protection standards in countries of asylum. For example, the harmonisation of refugee status determination standards across the region and the strengthening of national capacity to provide services and support to asylum seekers and refugees, including through promoting self-reliance, are both categorised as long-term goals. Given that, as discussed above, lack of legal status and lack of access to livelihoods and services are among the most pressing issues faced by asylum seekers and refugees in the region, these goals should be prioritised for implementation in the short term.

An additional example is the proposed pilot study on information exchange and data analysis on irregular migration by sea. RCOA does not dispute either the need for the project or that fact that it may have significant positive outcomes. However, given that movement by sea is a symptom of the lack of protection and security afforded to refugees and asylum seekers in many Asia-Pacific states, it seems incongruous that the need to address protection issues in countries of first asylum has not been considered a similarly urgent priority.

Furthermore, RCOA notes that a number of key protection challenges have yet to be addressed or discussed in detail through the Bali Process. In particular, we wish to highlight the following areas for further consideration in the development of the proposed Regional Cooperation Framework:

- *The use of protection-sensitive migration as a durable solution*, in line with the suggestion put forward at the UNHCR Expert Meeting on International Cooperation, with a particular focus on Asia-Pacific nations which have a significant need for migrant labour.
- *Exploring alternatives to detention* for people seeking protection, building on the research conducted by UNHCR and the International Detention Coalition over the past year.³⁰

³⁰ Edwards, A. (2011). *Back to Basics: The Right to Liberty and Security of Person and 'Alternatives to Detention' of Refugees, Asylum-Seekers, Stateless Persons and other Migrants*. Geneva: UNHCR, www.unhcr.org/refworld/docid/4dc935fd2.html; International Detention Coalition & La Trobe Refugee Research Centre (2011). *There are alternatives: A handbook for preventing unnecessary immigration detention*. Melbourne: International Detention Coalition, <http://idcoalition.org/cap/handbook>

- *Improving access to livelihoods and enhancing self-reliance* through, for example, the use of protection-sensitive migration, aid and development programs and education and training initiatives.
- *Enhancing support and protection for vulnerable and at-risk groups*, including women and girls at risk of sexual and gender-based violence, unaccompanied minors and people with disabilities.
- *Combating statelessness* through, for example, improving data collection on statelessness, enhancing support for stateless people and implementing initiatives to resolve and prevent statelessness.
- *Supporting local NGOs* through capacity-building projects, to assist in maximising the effectiveness of their work and encouraging local “buy-in” for refugee protection.
- *Building peace and security in countries of refugee origin*, to address the root causes of flight and create conditions conducive to safe and dignified voluntary return.

4.4.2. Durable solutions

Any sustainable regional framework for refugee protection must explore opportunities for a range of durable solutions, including voluntary repatriation, in-country solutions and resettlement. In the Asia-Pacific context, the need to develop in-country solutions is particularly pressing in light of the insecurity and untenable living conditions faced by people seeking protection, and the role of these conditions in driving onward movement. However, both of the bilateral arrangements pursued by the Australian Government and many of the statements and proposals put forward through the Bali Process over the past year appear to be based on the assumption that the majority of refugees currently residing in the Asia-Pacific region will either repatriate or be resettled elsewhere, with comparatively little attention devoted to seeking in-country solutions.

Under the proposed arrangement with Malaysia, for example, the responsibility for providing services and support to transferees was to be overwhelmingly borne by the Australian Government, UNHCR and IOM. Beyond providing permission to remain in the country and complying with the principle of non-refoulement, the Malaysian Government would have borne little responsibility for ensuring transferees received appropriated protection and assistance. With the role of the Malaysian Government being so limited, it is unlikely that the arrangement would have made any significant contribution to local capacity-building or promoted a more positive approach to reception, registration and protection of refugees and asylum seekers. At the same time, through restricting access to onshore protection in Australia and “swapping” asylum seekers for resettled refugees, the arrangement reflected a clear preference for resettlement over in-country solutions (including local integration in Australia). Statements made by the Australian Government suggesting that transferees would be sent to the back of the so-called processing “queue”³¹ were further indications of this preference.

Similarly, while the regional agreement developed through the Bali Process in March acknowledged that “possible in country solutions” could form part of the Regional Cooperation Framework where appropriate,³² other solutions – particularly voluntary repatriation – have tended to be prioritised ahead of in-country alternatives. Several of the key activities of the RSO, for example, including one of the foundation projects proposed by Australia, have a focus on maximising opportunities for voluntary return and increasing state capacity to support this process. By contrast, a number of the proposed in-country solutions have been categorised as long-term goals.³³

³¹ Office of the Prime Minister & Office of the Minister for Immigration and Citizenship (2011). *The regional cooperation framework* [media release]. Issued 7 May, <http://www.minister.immi.gov.au/media/cb/2011/cb165079.htm>; Bowen cited in Sky News Australia (2011). *Sky News* [television program]. Broadcast 7 May, <http://www.minister.immi.gov.au/media/cb/2011/cb165147.htm>; Office of the Prime Minister (2011). *Joint press conference on a Regional Cooperation Framework* [press conference]. Canberra: 7 May, <http://www.pm.gov.au/press-office/transcript-joint-press-conference-canberra-4>.

³² Bali Process 2011, ¶ 16(iii).

³³ See, for example, Bali Process Steering Group 2011, Annex I, Sections (b) & (d).

While RCOA supports initiatives to improve access to all durable solutions, the prioritisation of repatriation and resettlement as the preferred durable solutions for refugees is problematic for several reasons. Firstly, this approach incorrectly assumes that large-scale repatriation and resettlement out of the Asia-Pacific region will be feasible in the short term. The most significant barrier to voluntary repatriation for many refugees in the region is not a lack of awareness about repatriation opportunities or a lack of state capacity to support repatriation; it is the fact that conditions in major countries of origin (such as Afghanistan and Burma) are not conducive to safe and dignified return. Conditions in these countries continue to be characterised by protracted conflicts, ongoing insecurity and widespread violations of human rights, with limited prospects for significant improvement in these conditions in the near future. Unless these conditions are addressed, voluntary repatriation schemes will do little to improve access to durable solutions for refugees in the region.

A similar issue arises with regards to resettlement. RCOA agrees that lack of access to resettlement processes or inadequate mechanisms for resettlement referrals certainly hinder access to durable solutions for many refugees, and supports initiatives to address these issues. However, the most significant barrier to resettlement remains the shortfall between resettlement needs and available places. With the number of people nominated by UNHCR as being in priority need of resettlement already many times greater than the declining number of resettlement places available globally, it is unlikely that resettlement can in the current context present a realistic solution for the majority of refugees in the region.

Secondly, this approach fails to adequately address what is arguably the most pressing issue for refugees and asylum seekers residing in the region – the inadequate standards of protection in many Asia-Pacific states. The disproportionate focus on repatriation and resettlement as opposed to in-country solutions risks shifting attention away from addressing the more immediate needs of people seeking protection, such as lack of legal status and consequent risk of detention and deportation, and lack of access to livelihoods and support services. While RCOA certainly supports efforts to increase access to repatriation and resettlement, it is also imperative that opportunities for in-country solutions be considered a priority and given adequate attention.

Finally, this approach fuels the perception that countries of first asylum in the Asia-Pacific region are “transit countries” only, that is, countries which may host refugees for a short period but which are not responsible for providing long-term protection or seeking durable solutions. Indeed, the Australian Government has itself referred to countries such as Malaysia and Indonesia as “transit countries”.³⁴ Not only does this contribute to shifting attention away from protection standards in countries of asylum, it also risks undermining the effectiveness of a cooperative regional approach to protection issues. A regional framework built on this premise may simply become a means by which countries of first asylum are able to evade responsibility for refugee protection, while resettlement countries become primarily responsible for providing protection and durable solutions. This is incompatible with a genuinely cooperative approach whereby all countries in the region accept an equitable share of responsibility for refugee protection.

RCOA therefore cautions against an approach which relies heavily on repatriation and resettlement at the expense of in-country solutions. We urge the Government, in addition to enhancing access to repatriation and resettlement, to explore options for various in-country solutions including protection and assistance pending repatriation or resettlement, local integration and protection-sensitive migration.

RCOA also encourages the Government to consider how various durable solutions can be used simultaneously in a strategic or complementary manner to enhance protection outcomes. While protection must always be the first priority of any durable solution, protection dividends can be maximised through the strategic use of one solution to unlock opportunities for other solutions. For

³⁴ See, for example, Bowen cited in Sky News Australia (2011). *Sky News Australian Agenda* [television program]. Broadcast 1 August, <http://www.minister.immi.gov.au/media/cb/2011/cb169279.htm>; Bowen cited in Australian Broadcasting Corporation (2011). *ABC Radio National Breakfast* [radio program]. Broadcast 5 September, <http://www.minister.immi.gov.au/media/cb/2011/cb171383.htm>.

instance, states hosting large numbers of refugees may be prepared to improve protection standards or provide durable solutions for some refugees residing in their territory, if other states agree to support this process through offering resettlement places.

4.4.3. Genuine cooperation and sharing of responsibility

One of the most detrimental aspects of the current policy approaches pursued by the Australian Government has been their role in undermining the potential for regional cooperation. Australia's arrangement with Malaysia and the proposed reopening of the Manus Island facility both had a narrow focus on deterring boat arrivals to Australia, as opposed to broader protection challenges in the region. Furthermore, both focused on addressing onward movement only insofar as it related to Australia's domestic concerns. In doing so, these arrangements have set a highly problematic precedent for future regional cooperation on refugee protection.

As stated in our submission to the Legal and Constitutional Affairs Committee Inquiry into Australia's Agreement with Malaysia,³⁵ policies which focus on shifting Australia's protection obligations elsewhere hardly set a constructive example for other countries in the region which have far less capacity to provide protection and assistance to refugees than Australia. Instead, they send a clear message to the region that the complex challenges of refugee protection in Asia are less important than domestic political considerations. It is particularly troubling when this message comes from one of the few countries in the region which is party to the Refugee Convention. Indeed, feedback received from RCOA's international counterparts indicates that Australia's advocacy for a regional protection framework is being regarded with increasing cynicism because the Government, by its actions, is demonstrating that it is far more interested in short-term bilateral deals aimed at reducing the numbers of people seeking asylum in Australia.

For a regional cooperation framework to be successful, Australia must be genuinely committed to working collectively to address the protection challenges in the region, including those which do not directly relate to Australia's domestic concerns. One of the practical means through which Australia could demonstrate this commitment is through increasing its resettlement program, to facilitate a more equitable distribution of responsibility for protection throughout the region. As noted above, we caution against an approach which relies on resettlement as the preferred durable solution for the majority of refugees. However, when used as a protection-centred tool to provide solutions for vulnerable refugees, and when used strategically to "unlock" other solutions, resettlement can play a vital role in resolving protection challenges and enhancing regional cooperation.

However, even allowing for an increase in Australia's resettlement program, the resettlement needs in the Asia-Pacific region are far greater than can be met by resettlement states within the region alone. As such, there is a need for Australia to work with other resettlement states to encourage increased resettlement out of the Asia-Pacific region. As a country with one of the world's largest and longest-standing resettlement programs and as chair of international discussions on resettlement for 2011-12, Australia is well positioned to lead this process.

It should be noted, however, that while an increase in resettlement out of the Asia-Pacific region would be welcomed, Australia's resettlement program should maintain its focus on regions other than our own. While it can be used as a strategic tool, resettlement is first and foremost a mechanism for individual protection. It is therefore vital that the equally urgent resettlement needs in other regions are not ignored simply because they do not relate to Australia's regional goals. Additionally, the maintenance of strong resettlement intake from other regions of the world would further demonstrate, to countries in the region as well as other resettlement states, Australia's commitment to resolving international refugee protection issues beyond those which directly affect Australia.

³⁵ RCOA 2011b

An additional means through which Australia could demonstrate its commitment to genuine cooperation and sharing of responsibility would be to propose or support projects and initiatives on issues which do not directly relate to Australia. For example, such initiatives could focus on managing mixed migration flows and providing support and assistance to internally displaced persons. The RSO could provide a means of implementation for these initiatives.

4.4.4. Foundational principles for future initiatives

While past examples of successful regional cooperation on protection issues have shared common elements, there is no single model for an effective regional framework which is applicable to every circumstance. Indeed, an effective, responsive and sustainable regional protection framework should adopt a multi-faceted approach to addressing protection issues, adapted to the specific circumstances of the region in question.

However, while the specific initiatives implemented as part of a regional framework may vary depending on circumstances and over time, any cooperative arrangements should be informed by a set of common foundational principles. The purpose of these principles should be to ensure that cooperative arrangements maintain a primary focus on protection and achieve their desired aim of enhancing cooperation and achieving positive protection outcomes. As such, RCOA proposes that the Australian Government adopt a set of foundational principles to inform its future approaches to regional cooperation.

Based on research conducted by RCOA for our submission on the 2011-12 Refugee and Humanitarian Program, outcomes from the UNHCR Expert Meeting on International Cooperation and feedback from consultation participants, RCOA proposes that any future cooperative arrangements pursued by the Australian Government should:

- Maintain a central focus on enhancing access to effective protection, encompassing the following elements:
 - Access to a fair and credible system of refugee status determination, including access to independent monitoring and judicial review;
 - Humane conditions of reception and protection, including protection against arrest and detention, access to livelihoods, provision of services and support to ensure an adequate standard of living and protection against refoulement; and
 - Provision of appropriate durable solutions within a reasonable timeframe.
- Seek to enhance access to a range of durable solutions, including:
 - Voluntary repatriation in circumstances where conditions are conducive to safe, dignified and sustainable return, with adequate monitoring to guard against refoulement.
 - In-country solutions, including protection and assistance pending repatriation or resettlement, local integration and protection-sensitive migration, with support provided to host countries as appropriate.
 - Resettlement, maintaining a primary focus on protection but with consideration given its use as a mechanism to complement other durable solutions and achieve a more equitable distribution of responsibility among states.
- Seek to address the root causes of flight and onward movement through responding to issues on countries of origin and ensuring access to effective protection, regardless of where it is sought.
- Be premised on the commitment of all parties to genuine cooperation and equitable sharing of responsibility, allowing for differentiated contributions by states according to capacity and avoiding the deflection of protection obligations.
- Involve countries of origin (provided that this does not limit protection space or create a risk of refoulement), first asylum and resettlement, to enable refugee protection issues to be addressed in a holistic manner.
- Act as a complement to, not a substitute for, the domestic protection responsibilities of states.

- Seek to build the capacity of states and other stakeholders to provide effective protection through, inter alia, the sharing of expertise and resources.
- Comply with human rights standards and relevant international laws.
- Adopt a non-discriminatory approach which ensures equal access to effective protection, regardless of country of origin, legal status or other factors.
- Include mechanisms for monitoring and oversight to ensure accountability and adherence to human rights standards and relevant international laws.
- Involve international organisations (such as UNHCR) and NGOs (including local NGOs) and civil society where appropriate but avoid the devolution of state responsibilities to non-state actors.
- Involve refugee individuals and communities in the planning and implementation of cooperative arrangements.
- Facilitate close cooperation and regular communication among stakeholders, including states, international organisations, NGOs, civil society and affected refugee and host communities.

Recommendation 4

RCOA recommends that the Australian Government abandon offshore processing of asylum claims and that all future cooperative arrangements initiated and supported by Australia be informed by the principles outlined in Section 4.4.4 of this submission.

Recommendation 5

RCOA recommends that the Australian Government continue to show leadership in refugee protection by:

- a) Modelling best practice in asylum procedures and protection;*
- b) Reviewing policies which, if replicated elsewhere, would undermine protection principles; and*
- c) Demonstrating its commitment to genuine cooperation and sharing of responsibility through strategies such as those put forward in Section 4.4.3 of this submission.*

Recommendation 6

RCOA recommends that the Australian Government work with other states in the region to enhance the effectiveness of the proposed Regional Cooperation Framework by:

- a) Prioritising initiatives aimed at addressing the most pressing protection challenges across the region, with a view to addressing the root causes of flight and onward movement; and*
- b) Giving further consideration to protection issues which have not been sufficiently addressed through existing discussions, including those outlined in Section 4.4.1 of this submission.*

5. AUSTRALIA'S REFUGEE AND HUMANITARIAN PROGRAM

5.1. SIZE AND COMPOSITION OF THE REFUGEE AND HUMANITARIAN PROGRAM

5.1.1. The size of the program

Across all states and territories, consultation participants called on the Australian Government to increase the size of the Refugee and Humanitarian Program in order to better meet the needs of refugee communities in Australia and overseas. Many people spoke about the capacity of Australia to do more, pointing to the fact that the program has remained at a relatively constant size for the past decade³⁶ and highlighted the significant contribution of refugees to Australian society and the economy that mostly goes unacknowledged in debates that focus predominantly on the costs of the Refugee and Humanitarian Program.

At the same time, many consultation participants raised concerns about the capacity of settlement services to meet the needs of an increased number of refugee and humanitarian entrants without careful planning and resourcing, taking into consideration complexities and challenges around housing and health services, for example, and exploring the further development of regional settlement models.

5.1.2. The program's economic and strategic value

The Commonwealth Treasury's *Intergenerational Report 2010* (IGR) provides a comprehensive analysis of the challenges that Australia will face over the next forty years.³⁷ One of its key conclusions is that an ageing population presents significant long-term risks for the economy and the sustainability of government finances. According to the IGR, as the Australian population ages, the rate of economic growth will slow and pressures for government spending will increase, particularly in the health sector.

The recent study by Professor Graeme Hugo on the economic, social and civic contribution of refugee and humanitarian entrants³⁸ demonstrates how the Refugee and Humanitarian Program contributes to the three pillars of productivity, participation and population identified in the IGR as the key to sustainable economic growth. That is, the IGR argues that Australia's future economic prosperity in the face of an ageing population will be strongly influenced by developments in population, participation and productivity. Hugo's findings suggest that humanitarian settlers are making a significant contribution to the population dimension of the 3 'Ps' which are critical to continuation of economic growth in Australia. That is, research has shown that a *demographic dividend* can be delivered to a society by a favourable balance between working and non-working age population. According to Hugo's study, humanitarian settlers in Australia deliver a demographic dividend through:

- Being much younger than the Australian population.
- Relatively high fertility, although it varies between groups.
- Including a large proportion of children who will be educated in Australia and ready to enter the Australian labour market.
- The lowest rate of settler loss of all visa categories.
- An increasing proportion settling in regional areas.³⁹

The age gap between refugee and humanitarian entrants to Australia and the general Australian population is extraordinary. Hugo's analysis of DIAC statistics on new arrivals between 2003-04 and 2008-09 showed that 39.7% of humanitarian entrants were aged under 15 years and 72.5%

³⁶ Since 2000-01, Australia's Refugee and Humanitarian Program has varied in size from 12,349 places (2001-02) to 14,144 (2005-06).

³⁷ Swan, W (2011). *Australia to 2050: Future challenges*, Department of Treasury, Commonwealth of Australia, www.treasury.gov.au/igr/igr2010/.

³⁸ Hugo, G. (2011). *Economic, social and civic contributions of first and second generation humanitarian entrants*, DIAC, Canberra. www.immi.gov.au/media/publications/research/pdf/economic-social-civic-contributions-about-the-research2011.pdf

³⁹ Hugo 2011, p.11

were aged under 30 years. The median age of humanitarian arrivals during that period was just 20.0 years.⁴⁰ By comparison, the national median age as at 30 June 2009 was 36.9 years.⁴¹ Statistics drawn from the DIAC settlement database for the decade from 1 July 2001 to 30 June 2011 show similar results, with 42% of all humanitarian entrants who arrived during that period being under the age of 18 and 57.8% being under the age of 25.⁴²

5.1.3. Family reunion

Two messages regarding the composition of the Refugee and Humanitarian Program came through strongly in this year's consultations. The first is the inadequacy of the Special Humanitarian Program (SHP) in meeting the needs of refugee and humanitarian entrants seeking to reunite with family members, including close family (Split Family). Over the past eight years, the number of SHP visas granted has declined from 8,927 in 2003-04 to 2,981 in 2010-11. The composition of SHP visas granted has also shifted toward the allocation of a greater proportion of Split Family Grants (see Table 5) and fewer successful Priority 1, 2 or 3 applications.

The limitations of the SHP with its current parameters, particularly the numerical link between the onshore protection and SHP programs, mean that it is unlikely to meet the needs of refugee and humanitarian entrants seeking to reunite with family members in the foreseeable future. That is, the profile and number of onshore visas granted in recent years – particularly the significant number of unaccompanied humanitarian minors (UHMs) on Protection Visas – suggests that even the provision for split family reunion will be tested in coming years. The impacts of the lack of reunion pathways are being felt in communities already, with reports of poor settlement outcomes, the exacerbation of mental health problems, families saying that the only way to reunite is to come by boat, and refugee and humanitarian entrants bearing the significant economic and social costs of providing for family members overseas in the context of indefinite separation.

Table 5: Split family grants in the offshore humanitarian program, 2006-07 to 2010-11⁴³

	2006-07	2007-08	2008-09	2009-10	2010-11
Refugee Split Family Grants	227 (3.8%)	239 (4.0%)	411 (6.3%)	249 (4.2%)	148 (2.5%)
SHP Split Family Grants	1,751 (33.8%)	1,447 (30.2%)	1,169 (25.9%)	1,267 (39.2%)	1,562 (52.5%)
% offshore visas that are Split Family Grants	17.7%	15.6%	14.4%	16.4%	19.1%

5.1.4. The link between the onshore and offshore streams

The second key message that came through consultations is that tensions and frustrations are being created between communities due to the numerical link between the onshore protection and SHP programs. That is, the fact that each time an asylum seeker is recognised by Australia as a refugee through its onshore protection process, one position is deducted from the SHP. As Table 6 shows, an increase in onshore arrivals over recent years has had a significant impact on the size of the SHP. Although concerns have been raised regarding this link in previous years, this year negative sentiments towards people arriving onshore were more evident than in the past. This stems from a perception (fuelled by public discourse and political debates) that onshore Protection Visa holders are “illegal” and “taking places from” people who are trying to sponsor family and community members under the SHP. Comments included: “If there is no way we can reunite with our family, we have little choice but to help our family come by boat!” (Karen community member, Bendigo) “We respect the law but we have to break the law because it is quicker to come here illegally by boat than it is to be resettled or apply for a 202 visa; my brother has been in Syria for 15 years and it is not safe there.” (Chaldean community member, Melbourne) “There is a lot of

⁴⁰ Hugo 2011, p.63

⁴¹ Australian Bureau of Statistics (ABS) (2009). *3201.0 - Population by Age and Sex, Australian States and Territories, Jun 2009*. Canberra: ABS, <http://www.abs.gov.au/AUSSTATS/abs@.nsf/allprimarymainfeatures/0593354790018E9DCA2577FF0011CC03?opendocument>

⁴² DIAC Settlement Database, *Settlers by Age on Arrival, Humanitarian stream, Arrivals 1 July 2001-30 June 2011*, www.immi.gov.au/settlement/, (Accessed 16/12/11).

⁴³ Information supplied on request by DIAC Humanitarian Branch

animosity towards asylum seekers due to the myth of queue jumping and it isn't only with 'mainstream' Australians but with some people within settlement agencies and some offshore refugees also. It would be a very positive move if we could stop this justification for hostility." (service provider, Perth)

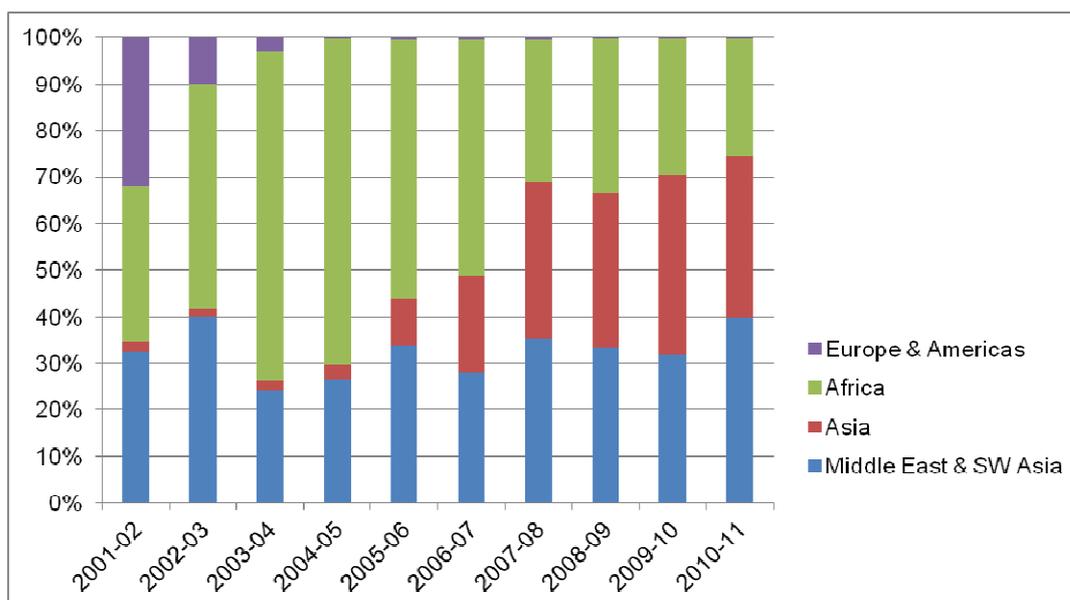
Table 6: Refugee and Humanitarian visa grants by sub-class, 2006-07 to 2010-11 ⁴⁴

Visa sub-class	2006-07	2007-08	2008-09	2009-10	2010-11	Total
Offshore Refugee visas						
Refugee (visa subclass 200)	5,011	5,132	5,653	5,173	5,211	26,180
In-country Special Humanitarian (201)	8	42	54	24	26	154
Emergency Rescue (203)	3	5	4	-	2	14
Woman at Risk (204)	980	819	788	806	759	4,152
Secondary Movement Relocation - Temp (451)	1	6	-	-	-	7
Offshore Special Humanitarian visas						
Global Special Humanitarian (202)	5,183	4,795	4,511	3,233	2,973	20,695
- 202 visas granted by ministerial intervention	92	231	75	11	8	417
Onshore Protection visas						
Onshore Temporary Protection (785)	305	196	9	-	-	510
Resolution of Status (851)	-	-	39	8	2	49
Onshore Permanent Protection (866)	1,396	1,704	2,369	4,515	4,818	14,802
Temporary Humanitarian Concern (786)	38	84	5	-	-	127
TOTAL	13,017	13,014	13,507	13,770	13,799	67,107

As RCOA has noted above and in previous submissions, Australia is the only country in the world that has created a numerical link between its offshore resettlement of refugees and humanitarian entrants and the recognition of asylum seekers within its border. Communities consulted across Australia have expressed continued frustration and anger that this link still remains, undermining Australia's demonstration of its commitment to the Refugee Convention and the Australian community's understanding and support of international refugee protection systems.

5.1.5. Regional composition

Figure 1: Offshore Refugee and Humanitarian visas granted by region, 2001-02 to 2010-11 ⁴⁵



⁴⁴ Figures from Department of Immigration and Citizenship (DIAC) annual reports, 2006-07 to 2009-10; 2010-11 figures are from DIAC.

⁴⁵ 2008-09 to 2010-11 figures from DIAC annual reports, www.immi.gov.au/about/reports/annual/. Figures prior to 2008-09 taken from DIAC (2009). *Refugee and Humanitarian Issues: Australia's Response*. Commonwealth of Australia, <http://www.immi.gov.au/media/publications/refugee/ref-hum-issues/ref-hum-issues-june09.htm>.

In terms of the regional composition of Australia's Refugee and Humanitarian Program, members of various African communities pointed to the decline in numbers of African refugees accepted for resettlement in Australia, despite the large numbers of people languishing in protracted refugee situations and in countries of asylum with limited capacity to provide support (see Figure 1). With the trend towards a more geo-political regional focus being pursued by Australia and other resettlement states, refugees in Africa are finding fewer countries prioritising refugees for resettlement or advocating on their behalf. As highlighted in Section 3, RCOA recognises that decisions regarding regional composition should factor in considerations of family reunion, strategic resettlement and priority need, and that there is a need to maintain a component of Australia's resettlement program for refugees in the Africa and Middle East regions.

5.1.6. Refugees with a disability

The consensus from consultation participants on how people with a disability fare under the Refugee and Humanitarian Program was that people with disabilities rarely make it to Australia. Service providers and former refugees noted the ongoing discrimination that people with disabilities (and their families) face. Individuals or families seeking reunion or resettlement options for people with disabilities are routinely rejected because of Australia's discriminatory program concerning the health requirement.⁴⁶ Consultation participants spoke of a much more generous and prompt approach in USA and Canada to the resettlement of refugees with a disability and to family reunion applications involving people with a disability. If one of the goals of Australia's Refugee and Humanitarian Program is to assist the world's most vulnerable refugees, many consultation participants felt that refugees with disabilities must be considered for resettlement and for family reunion opportunities.

5.2. THE SPECIAL HUMANITARIAN PROGRAM

5.2.1. Family reunion

As referred to above, community members at this year's consultations expressed increasing frustration regarding the inadequacy and limitations of the SHP and its potential to provide a pathway for families to reunite. Community members spoke about the negative impacts on settlement outcomes for families that have been unsuccessful reuniting through the SHP, referring to the enormous economic and social costs of family separation. Negative impacts discussed in consultations included: the financial burden of maintaining significant remittances to support family members in dire circumstances; people returning to dangerous situations in order to be with their loved ones; the mental health impacts of separation ("survivor guilt"); people exploring ways to support family members to make dangerous journeys to Australia by boat; and the challenges for families who are reunited after prolonged separation in regaining their balance. As one African community leader from the Hunter Region argued: "If we make a commitment to bring in refugees, I don't think it does that much harm to finish the job. We would have fewer cases of people going for counselling if families were here. They cannot cope with the fact that their sons, daughters, wives are back overseas. They cannot share experiences because one side has it good, one side has it bad." Or, simply, "At home when I close my door I cry" (Ivorian community member, Newcastle).

In addition, community members spoke about the distress and anxiety caused when finding out after they arrive in Australia about the reality of the limited family reunion options, with some refugee entrants having been informed at the time of processing that they will be able to reunite with their family once they have resettled. One Karen community member in Melbourne suggested that some people would not have chosen to take up a resettlement place if they knew they would not be able to see their family members for many years, if not indefinitely.

⁴⁶ This topic was covered in more detail in RCOA (2011c). *Australia's Refugee and Humanitarian Program 2011-12: Community views on current challenges and future directions* (section 3.4.4, pages 25-27), http://refugeecouncil.org.au/resources/intakesub/2011-12_IntakeSub.pdf

The limitation of the SHP has forced many people to seek alternative pathways to family reunion, including through spouse visas (sub-class 309), orphaned relative visas (sub-class 117) and as international students. One service provider in Adelaide spoke about the risks of vulnerable people entering on non-humanitarian visas being at the mercy of their sponsors and with limited settlement service support. Many spouse visa partners, for example, have the same needs as refugee and humanitarian visa holders; however, they do not get orientation and are not aware of their rights. If the proposer is unable to financially support their spouse and/or the relationship breaks down, there are significant repercussions, particularly for sponsored women who are unable to access Centrelink benefits in their own right. Concerns were raised that, in the absence of other family reunion options under the SHP, more and more refugee and humanitarian entrants will sponsor family members through other visa categories and the settlement needs of these family members will remain unmet.

5.2.2. Prioritisation of applications

Community members and service providers spoke of the lack of clarity and transparency in the way in which visas are granted and of frustration at what they saw as its underlying unfairness. For example, one Karen community member in Bendigo spoke about the rejection of an application for his sick wife's mother to come to Australia and help care for her, while he simultaneously assisted another community member to fill out an application form for a cousin and his family who were subsequently accepted and resettled. This outcome raised questions about the prioritisation of link relationships and was echoed by a community member in Wollongong who asked: "Where is that priority, if your son can be rejected so many times?" Likewise, consultation participants spoke about inconsistencies in the way in which compassionate or compelling reasons are assessed under the SHP, with some people involved in filling in applications expressing confusion about how some cases with compelling reasons for acceptance on compassionate grounds are refused and other cases that are less compelling are accepted.

The issues concerning the reunification of unaccompanied minors with their families through the SHP was again raised as a major concern and with increasingly devastating outcomes, including reports of children as young as 14 being told they should not apply under Split Family provisions as they are unlikely to have their applications assessed before they turn 18, and services reporting increasing self-harm and suicidal ideation by children facing the prospect of indefinite separation from their families. The concern around the "time of decision" requirement under Split Family provisions and the impact on the prolonged or indefinite separation of children with their families was raised by RCOA last year and came up again in many of the consultations across the country.⁴⁷ It was suggested that the indefinite separation of children from their families because of visa processing and policy issues could be a contravention of Australia's obligations as a signatory to the Convention on the Rights of the Child. RCOA notes that concerns regarding the "time of decision" requirement and SHP processing is likely to change in response to the recent December 14 High Court decision (*Shahi v Minister for Immigration and Citizenship* [2011] HCA 52) which held that it was not a requirement for the grant of a Global Special Humanitarian visa to the mother of a refugee that the son who proposed her for the visa be under the age of 18 at the time of the decision whether to grant it.⁴⁸

While unaccompanied minors were identified as a particularly vulnerable group, consultation participants reported that onshore Protection Visa holders in general were struggling to settle and their anxiety levels were increasing as they tried to understand how they could reunite with their wives, children, parents and siblings. As a service provider in Coffs Harbour describes: "We're seeing the beginning of the problem now. If the Government doesn't address this aspect of settlement, then in another 12 months we'll see a bigger problem." This concern was echoed in Adelaide, with reports of people (both Protection Visa holders and those in community detention) threatening self-harm or actually self-harming because of the trauma of prolonged or indefinite

⁴⁷ RCOA (2011c). See section 5.4.4, p.124

⁴⁸ High Court of Australia (2011) *Sayed Abdul Rahman Shahi v Minister for Immigration and Citizenship* [2011] HCA 52 [media release], 14 December, <http://www.hcourt.gov.au/assets/publications/judgment-summaries/2011/hca52-2011-12-14.pdf>

family separation. In addition, some services are reporting that when people understand that family reunion will not happen for some time (if ever) they are having trouble communicating this to their families. In some cases, services have contacted family members overseas, with the help of interpreters and in the presence of the family member here, to try to explain the situation. Sometimes this message is received but in some cases family members react angrily, saying that the person in Australia has failed them.

5.2.3. Volunteer organisation involvement

Frustrations regarding the limitations of the SHP did not only extend to refugee and humanitarian entrants seeking to propose family members but also to members of volunteer community organisations frustrated by the lack of opportunities and outcomes in sponsoring and supporting the resettlement of refugees in local areas. Volunteer community groups felt that the SHP no longer provided an opportunity for them to be able to support refugee resettlement, despite their willingness to be involved and the resources they had available that could be put towards supporting the settlement of refugee families.

In last year's submission, we recommended that DIAC investigate the development of a program or sub-program to facilitate resettlement of refugees with the involvement of community-based organisations.⁴⁹ As we noted in that submission, this investigation should examine a suitable quota for community-supported resettlement, mechanisms for identifying refugees in need of resettlement, cooperative working arrangements between community proposers of refugees and HSS and other services, and appropriate training and standards for volunteer groups.

5.2.4. Processing issues

Some consultation participants felt that the SHP application process and documentation requirements were becoming increasingly onerous and were being used to deter people from applying. For example, one migration agent in Melbourne spoke about having to provide documentation for a split family application where the child in Australia was proposing his mother and siblings in Pakistan. The mother, a widow, had been asked to produce documentation that she has custody of her six children. Previously this level of documentation has not been requested. A number of consultation participants felt that the demand by DIAC for documents that were difficult to get in countries of asylum increased pressure to produce false documents or go to dangerous lengths to seek documentation in efforts to be believed. One Assyrian man in Melbourne spoke of sending a family member back to Iraq to seek official documentation that proved his sister had custody of her children, placing this family member in grave danger. The document from an Iraqi magistrate verifying the relationship was subsequently rejected by DIAC and the family felt there were no grounds to appeal this decision.

Another concern regarding SHP processing raised by many community members was the lack of information given to proposers about the status of their applications, with one Iranian community member in Shepparton reporting that the application for his wife and children was "lost" by DIAC. When he followed up with another application eight months after the first application was sent, he was told that the first application had been "found" but was given the reference number only for the second application. In the context of the painful and prolonged separation of families, the frustration of losing eight months because of a lost application has caused enormous distress. Other services reported DIAC taking four to five months to acknowledge receipt of an application, exacerbating anxiety, frustration and mental health issues and raising questions about the adequate resourcing of DIAC's visa processing area. One Liberian community member in Newcastle said she waited three years for an application to reunite with her husband to be processed.

⁴⁹ RCOA (2011c). See pages 40-41.

5.2.5. Definition of 'family'

Others reported families being split by the SHP process itself due to inconsistent or culturally inappropriate definitions of family being used by DIAC, with non-biological children and adult children being rejected from family applications. For example, one service provider in Newcastle talked about a case where a mother had four biological children and three adopted children (children of blood relatives); the three non-biological children were not accepted by DIAC. In Shepparton, settlement support workers spoke about families who have left children behind unaccompanied in places like Pakistan because they had not been accepted under a family application. One family that a service provider was working with had to leave behind the two younger brothers of the mother, who had been caring for her brothers since their parents died. The woman has been so distraught about leaving them behind that the family has decided that she will return to Pakistan to care for her brothers and leave her children in the care of their father in Australia. As in previous years, communities and service providers called on the Australian Government to review the definition of family used in all humanitarian visa applications in order to bring it in line with UNHCR definitions of family centred on the concept of dependency.

5.3. ONSHORE PROTECTION

Concerns related to Australia's treatment of asylum seekers were raised at almost every consultation this year. Consultation participants expressed great disappointment and frustration with the Government's policies towards asylum seekers, highlighting a wide range of concerns relating to immigration detention, community detention, community-based asylum seekers, statelessness, offshore processing and excision policy and the provision of legal advice to asylum seekers.

It should be noted that, while many of the community consultations took place after the Government's announcement that onshore processing would be used for people arriving by boat, the details of the implementation of this policy were not yet known. RCOA has since welcomed the Government's announcements in October⁵⁰ and November⁵¹ related to the issuing of Bridging Visas and commends the Department's active engagement with the sector in exploring the practicalities of these policy announcements. In light of these changes and the work that is currently underway, RCOA does not intend to provide an exhaustive list of the range of issues raised in community consultations regarding asylum policy. Instead, the following provides a brief discussion of the key principles talked about in consultations regarding onshore processing and approaches to asylum seekers as well as some detail relating to statelessness policy. A supplementary document providing details of community feedback on other areas of asylum policy through these consultations has been produced by RCOA and will be provided as an appendix to this main submission.

5.3.1. Key principles

In considering what a humane asylum policy should entail, ideas were put forward in relation to both the specific development of onshore assessments of protection claims as well as broader issues related to Australia's asylum policy.

The key principles that came out of consultations were that Australia must:

- Ensure that its asylum policy is fair and does not discriminate based on a person's mode of arrival (with appropriate transition supports from the non-statutory assessments to the statutory determination process);

⁵⁰ See ABC News (2011) *Government reverts to interim processing*. 13 October.

<http://www.abc.net.au/news/2011-10-13/government-to-process-asylum-seekers-onshore/3570236>

⁵¹ See Bowen, C. (2011b) *Bridging visas to be issued for boat arrivals*. 25 November.

<http://www.minister.immi.gov.au/media/cb/2011/cb180599.htm>

- Ensure the inherent dignity and safety of all people seeking Australia's protection throughout the entirety of their protection claims;
- Give access to work rights and orientation support so that people can support themselves throughout their determination process;
- Expand and streamline the support services available to asylum seekers to ensure that no asylum seeker is left destitute and to ensure the resolutions of all cases;
- In relation to immigration detention (noting that these principles closely reflect the Government's own key immigration detention values):
 - Detention that is indefinite or otherwise arbitrary is not acceptable and the length and conditions of detention, including the appropriateness of both the accommodation and the services provided, should be subject to regular review;
 - Detention in immigration detention centres should only to be used as a last resort and for the shortest practicable time; and
 - People in detention must be treated fairly and within the law.

5.3.2. Statelessness

One area of asylum policy that is not being adequately addressed and that was raised in consultations was the concern about the growing number of people who are stateless⁵² and remain in indefinite immigration detention. RCOA notes that the Australian Government has made a commitment to establish a Statelessness Status Determination procedure.⁵³ The need for this process is necessary not only with respect to Australia's obligations under the 1954 *Convention relating to the Status of Stateless Persons* but also in relation to the number of stateless people held in immigration detention awaiting an outcome on their protection requests (see Table 7). As stateless persons, they have no country of origin to return to, so they are at high risk of being detained for prolonged and even indefinite periods of time.

Table 7: Asylum applications in Australia by stateless persons, 2008-09 to 2010-11

Financial year	Applications for asylum from stateless persons	Visa grants
2008-09	43	19
2009-10	479	190
2010-11	928	501

At the recent UNHCR ministerial meeting in Geneva in December 2011, states were invited to make pledges to identify protection issues and to promote realistic responses to these challenges. Australia's pledge was a diluted vow to do a better job of identifying stateless persons. This pledge did not, however, extend to offering meaningful or substantive outcomes to those identified as stateless and, in the meantime, hundreds of stateless persons still languish in detention centres in Australia.

While the detail is still to be released, the proposed stateless status determination process will not be enshrined in law and will not include a distinct stateless visa. The procedure will include a toolkit for assessing statelessness and will be used as part of determining the removal options for a person (rather than as part of a single, streamlined and efficient model assessing claims against refugee criteria, then against the complementary protection grounds, and finally – if neither a refugee nor a beneficiary of complementary protection – against the statelessness provision). Australia's approach is disappointing, particularly given the pledges made by other States dealing with much larger numbers of stateless people.

⁵² The definition of stateless here means both *de jure* stateless and *de facto* stateless, as well as those self-identifying as stateless. Currently, Australia has neither a statelessness status determination process nor any expressed policy for providing substantive visas to people found to be stateless (and thus, no state to be returned to) but not owed Australia's protection.

⁵³ The Australian Government foreshadowed such a procedure when it introduced the Migration Amendment (Complementary Protection) Bill 2009 into Parliament on 9 September 2009 (Second Reading speech, Hon. Laurie Ferguson MP).

5.4. RETHINKING AUSTRALIA'S REFUGEE AND HUMANITARIAN PROGRAM

The issues highlighted above of community views on the current composition of Australia's Refugee and Humanitarian Program suggest the need for a substantial review of the program. RCOA considers that the key challenges for the current program that need further exploration and consideration are:

- How to manage a program where there is a numerical cap on numbers, including (technically) a cap on the number of onshore Protection Visas when there are fluctuations in the numbers of onshore arrivals.
- How to develop a coherent strategy for determining the resettlement of refugees based on principles of vulnerability, regional cooperation in Asia-Pacific and the strategic use of resettlement to broker solutions for refugee communities in other countries.
- How to ensure that Australia fulfils its obligations under the Refugee Convention and provides protection to those who seek asylum onshore in a humane and efficient manner.
- How to manage tensions between the onshore and offshore components of the program created by the numerical link between the programs.
- How to manage family reunion so that refugee and humanitarian entrants can enjoy family unity and mitigate the costs of separation on settlement outcomes.
- How to process split family applications with the current limitations in the size of the SHP, particularly in the context of the High Court ruling regarding the "time of decision" requirement in the SHP and the significant numbers of unaccompanied minors arriving onshore in recent years who have or will submit applications under split family provisions.
- How to create a clear strategy and clarity regarding the involvement of volunteer organisations in supporting refugee resettlement.

Due to the growing complexity of the issues posed by the current composition of the Refugee and Humanitarian Program and the need for careful consideration, RCOA believes time is needed to consider significant changes to the structure of the Refugee and Humanitarian Program. RCOA recommends that DIAC work with RCOA, the Refugee Resettlement Advisory Council (RRAC) and other interested parties during 2012 to explore options more fully. Some possible areas for consideration are:

- Developing a coherent strategy for identifying priority and strategic resettlement needs for the Refugee Program;
- Developing a strategy for ensuring split family reunion applications are processed in a timely manner;
- Developing a strategy for broader humanitarian family reunion, including exploring potential for greater access and support of refugee and humanitarian entrants to propose family members through the family stream of the Migration Program and ensuring definitions of family are consistently aligned to UNHCR definitions;
- Developing a strategy regarding the role of volunteer groups in refugee resettlement;
- Developing an onshore protection program that is uncapped and responds to needs as required.

Recommendation 7

RCOA recommends that the Australian Government demonstrate its unequivocal commitment to the Refugee Convention by ending the numerical link between the onshore Protection program and the offshore Refugee and Humanitarian program.

Recommendation 8

RCOA recommends that DIAC establish a process in 2012 for examining the future composition of the Refugee and Humanitarian Program, engaging RCOA, RRAC and other interested parties with a view to addressing the major gaps relating to how Australia provides resettlement to those

identified as most in need, supports humanitarian family reunion and appropriately involves volunteer organisations in the resettlement process.

Recommendation 9

RCOA recommends that, in the short term, DIAC increase resources to speed up the processing time of SHP applications, including looking at staffing levels in critical overseas posts. RCOA recommends that DIAC also review how family reunion options are communicated to refugees before they arrive in Australia, examining what information could be provided in first language at time of application and how this information is reinforced through the Australian Cultural Orientation (AUSCO) program.

Recommendation 10

RCOA recommends that Australia's statelessness status determination process be enshrined in law and that the procedure:

- Be part of a streamlined, single process whereby applicants are assessed first against the refugee criteria, then against the complementary protection grounds and finally (if necessary) against a statelessness provision*
- Be subject to independent merits and judicial review*
- Not require the continued detention of a person while he/she undergoes the process*
- Provide a substantive visa for a person found to be stateless, so as to ensure that he/she lives with dignity and security.*

In the absence of a legislated approach, the statelessness status determination procedure should still adhere to the above principles.

6. POST-ARRIVAL SETTLEMENT SUPPORT

Settlement challenges and gaps in services and support were again key topics of discussion at this year's consultations. Due to the large number of consultations held and the volume of feedback received, and the fact that many of the policy areas concern other government departments, RCOA has compiled a supplementary document to this main submission, *Community views on post-arrival settlement support*, to capture more detail on particular settlement issues. This section provides community feedback on two areas of post-arrival settlement support that RCOA believes are of particular relevance to the Immigration Minister and DIAC and where immediate follow-up is required: issues concerning unaccompanied minors and the settlement experience of refugees on onshore Protection Visas.

6.1. UNACCOMPANIED MINORS

Significant numbers of minors have sought asylum in Australia and been granted Protection Visas in recent years. In this context, RCOA asked consultation participants what issues or concerns they had about current care arrangements for unaccompanied minors – both asylum seekers (unaccompanied minors [UAMs]) and those who are on permanent Protection Visas (unaccompanied humanitarian minors [UHMs]). A number of services supporting unaccompanied minors acknowledged that DIAC was undertaking work in this area, and particularly welcomed the national pilot announced by the Minister to provide targeted settlement support to 16- and 17-year-old UHMs in three states who arrive without identified carers and who have been assessed as capable of living independently. However, many issues will not be addressed by this pilot and require urgent consideration by the Minister and DIAC in order to ensure young people are appropriately cared for.

Key recommendations and concerns raised by consultation participants include:

- *Lack of a national framework* – In the absence of a national framework and commensurate resourcing for the care of UHMs and UAMs, many service providers felt that young people's needs were not being met and many young people currently faced risks to their safety and wellbeing. There was a call for a more consolidated national approach for how children are cared for in the community, including ensuring there are guidelines for carers and that young people have access to appropriate counselling, educational opportunities, social, community and transitional support.
- *Conflict of interest and guardianship* – Concern regarding the Immigration Minister's guardianship of UHMs and UAMs and the conflict of interest associated with the Minister's other powers was raised at many of the consultations, with one suggestion being that guardianship should be held at a ministerial level by the Minister for Families, Community Services and Indigenous Affairs, so that the guardian has equal seniority to the Immigration Minister but is not simultaneously responsible for make decisions about the UAMs' detention, protection or removal. It was felt that the guardian needs to be at a Federal level to avoid complications which may occur if a State Minister has guardianship and a minor relocates interstate.
- *Delegation of guardianship* – Many consultation participants, including community detention providers, were unclear about how guardianship is delegated and who was responsible in practical terms for both UAMs and UHMs. Community-based asylum seeker minors were identified as a particularly vulnerable group in the absence of a guardian or clear delegation and because of their ineligibility for specialist support.
- *Young people relocating between states* – Some young people who do not have a nominated carer are being moved to other states after being granted a Protection Visa. These young people are then relocating back to places where they have built connections while in community detention, leaving them extremely vulnerable and without supports. While the Immigration Minister is still technically their guardian, in these cases the delegation to a state or territory agency is not easily transferred to another jurisdiction and young people are presenting at services without any effective guardian.

- *Inappropriate carers* – Linked closely to the above point, many consultation participants report UHMs are finding their own carers to avoid being relocated after being granted a Protection Visa, and that sometimes young people are placed in care arrangements that are inappropriate and where even well-intentioned carers lack the capacity to provide appropriate support.
- *Lack of carer options and support* – In response to the situation of either young people being relocated interstate or being placed in inappropriate care relationships, services called on DIAC to invest in a program to recruit, train and support carers from a range of cultural backgrounds.
- *Family reunion* – The issues concerning UHMs being unable to reunite with family under split family reunion provisions in the SHP because of processing delays and the “time of decision” requirement was again raised as a serious concern this year, although RCOA notes that some change will occur in light of the December 14 High Court decision. Many service providers spoke of the devastating impact on young people of being indefinitely separated from parents. Some young people have been told they will not be able to reunite with their parents under SHP split family provisions and also that they cannot travel back to countries of asylum to visit family members as they cannot leave Australia while under the guardianship of the Immigration Minister.
- *Transitions out of care* – A number of people raised concerns about the lack of transition support for young people who turn 18 and called for Federal wards to be entitled to the same leaving care programs as offered under State child protection arrangements.
- *Determining age* – Concerns were raised about young people claiming to be minors while appearing to be much older. This creates a dilemma for schools where state regulations require young people to remain at school until the age of 17 even though a young person may be, or appear to be, much older than 17. However, if a person wants to remedy this by declaring that they are an adult despite their original declaration of being a minor, the current system punishes them and makes the declaration less likely.

Recommendation 11

RCOA recommends that a national framework for the care of unaccompanied refugee and asylum seeker minors be developed by DIAC as soon as practicable, with this framework to include considerations of: care requirements and resourcing; carer recruitment, support and responsibilities; delegation and guardianship roles and responsibilities; and transitions out of care.

6.2. THE SETTLEMENT EXPERIENCE OF REFUGEES WHO ARRIVE ONSHORE

A range of issues concerning the impact of immigration detention on the settlement experiences and outcomes of Protection Visa holders was raised by both former detainees and by settlement service providers across Australia. Feedback from consultations homed in on key issues that require consideration and policy responses. These include:

- *Communication between DIAC and HSS providers* – Concerns were raised about the lack of referral information (including about significant health issues) and the very short timeframe (as little as a few hours) between someone being granted a Protection Visa, being released from detention and the referral being made by DIAC to an Humanitarian Settlement Services (HSS) provider. This has meant that some HSS services have extremely limited time to prepare and are struggling to ensure that adequate provisions are made to receive these former detainees.
- *Mental health* – The higher incidence of trauma and mental health issues in this group make their settlement and the provision of services more challenging. The experiences of people while in detention, including inadequate mental healthcare, has left many former detainees believing that seeking help from a counsellor or psychologist is useless. Their engagement, however, is vital, as many people coming out of detention demonstrate high anxiety and stress levels (e.g. many have witnessed repeated suicide attempts and acts of self-harm from friends and fellow detainees). There was a call for more diversity in services addressing a range of mental health issues.
- *The erosion of trust* – The lack of trust towards Australian services and bureaucracies of this group as a consequence of their detention experience means settlement service providers must invest greater time and resources establishing trust. There were reports that Protection

Visa holders are often angry, not trusting of case workers and felt that there had been a miscarriage of justice because they had been detained for so long. These feelings of distrust and anger about DIAC's "jailing" of them were exacerbated when DIAC representatives visited former detainees' homes to complete audit services within the first few months of the person's settlement.

- *Mobility and duplication of services* – The highly mobile nature of this group, who move for work or to where they have community links, means that Protection Visa holders are relocating sometimes multiple times during their first six to 12 months. Relocations can take place in the first few weeks after being released from detention, and the "no duplication of services" policy of DIAC means that people who have received some HSS services in one contract region are no longer entitled to these services in another contract region. For example, if a service provider has completed essential registrations for a person in one contract region they are not eligible for this support in a subsequent contract region, even though the person must, for example, still re-register with Centrelink and enrol children in school in their new location and may require support to be able to do this. This mobility also places settlement services in difficult positions. English language provision was noted as particularly challenging, as whole AMEP classes are sometimes disappearing due to self-relocation and agencies cannot accurately capture delivered service when people do not attend class.
- *Orientation and expectations* – The lack of pre-arrival orientation and the absence of links in Australia for many Protection Visa holders means there can be a significant disjuncture between their expectations of what settlement and other services can provide and the realities. This is particularly the case with regard to housing. Consultation participants suggested that DIAC consider developing and funding a transition step for people being released from detention.

Recommendation 12

RCOA recommends that DIAC review its internal and external communication procedures to ensure advance notification and important referral information is provided to HSS contractors about refugees being released from detention centres, to assist services in planning appropriate support.

7. APPENDICES

7.1. FACE-TO-FACE CONSULTATION LOCATIONS

	Capital city	Regional
ACT	Canberra	
NSW	Blacktown (2), Campsie, Liverpool (2)	Albury, Newcastle (2), Wollongong (2)
NT	Darwin (3)	
QLD	Brisbane (2)	Logan (2), Toowoomba (2)
SA	Adelaide (4)	
TAS	Teleconference only	Teleconference only
VIC	Broadmeadows, Dandenong (2), Melbourne, Werribee (2), Whittlesea	Bendigo (2), Morwell, Wonthaggi, Shepparton (2)
WA	Cannington (2), Mirrabooka (2)	

7.2. ORGANISATIONS CONSULTED

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

<i>ACCES Services (Qld)</i>	Circle of Friends (SA)
African Holistic Social Services (Vic)	City of Greater Bendigo (Vic)
Albury-Wodonga Volunteer Resource Bureau (NSW)	City of Greater Dandenong (Vic)
AMES (Vic)	City of Swan (WA)
Anglicare (NT & SA)	<i>City of Whittlesea (Vic)</i>
Armidale Sanctuary (NSW)	City of Wodonga (Vic)
Association of the Burundian Community of SA	Coalition for Asylum Seekers Refugees and
Association for Services to Torture and Trauma Survivors (WA)	Detainees (WA)
Asylum Seeker Resource Centre (Vic)	<i>Communicare (WA)</i>
Australia-Burmese Society (Vic)	Darwin Asylum Seekers Support and Advocacy
Australian Chaldean Federation (Vic)	Network (NT)
Australian Federal Police (ACT)	Department of Education and Communities (NSW)
Australian Immigrant and Refugee Women's Alliance (WA)	Department of Education and Early Childhood
Australian Refugee Association (SA)	Development, Wyndham Network (Vic)
Babylon Social Club (Vic)	Department of Human Services (NSW)
Bantal Pulaar Community Group (NSW)	Department of Justice (Vic)
Baptist Care (SA & NT)	Department of Regional Australia (NSW)
Bathurst Refugee Support Group (NSW)	Ecumenical Migration Centre, Brotherhood of St
Bejwaye (Vic)	Laurence (Vic)
<i>Bendigo Community Health Services (Vic)</i>	Edmund Rice Centre Mirrabooka (WA)
Bentley South Metro Public Health Unit (WA)	Ermha (Vic)
Berry Street (Vic)	Ethnic Communities Council of Queensland
Bremer Institute of TAFE (Qld)	<i>Families SA</i>
Burmese Rohingya Association in Queensland	Family Care, Shepparton (Vic)
Burnside Cabramatta (NSW)	Family Planning NSW
Canberra Refugee Support (ACT)	Flemington Neighbourhood Learning Centre (Vic)
Carers Tasmania	Foundation House (Vic)
Carrick Education (NSW)	Fremantle Multicultural Centre (WA)
Catholic Diocese of Wollongong (NSW)	<i>Gippsland Multicultural Services (Vic)</i>
CatholicCare (Vic)	Gippsland Sudanese Association (Vic)
Centacare (NSW, Qld, & Tas)	Global Skills (NSW)
Central Domestic Violence Service (SA)	The Gordon TAFE (Vic)
Central Institute of Technology (WA)	Goulburn Murray Local Learning and Employment
Centre for Multicultural Youth (Vic)	Network (NSW)
Centre for Refugee Research, University of NSW	Goulburn Multicultural Centre (NSW)
Centrelink (NSW, NT, Qld, SA, Vic & WA)	Greater Dandenong Community Health Service (Vic)
Ceylon Tamil Association of Australia (SA)	Hazara Community Organisation (Vic)
Charles Darwin University (NT)	Hotham Mission Asylum Seeker Project (Vic)
	Hunter African Communities Council (NSW)
	Hunter New England Health (NSW)

Illawarra African Migrant Association (NSW)
Illawarra Multicultural Services (NSW)
 International Organisation for Migration (WA)
 Iraqi Women's Voice of SA
 Jesuit Refugee Service (NSW)
 Jesuit Social Services (Vic)
 Josephite Refugee Support Network (NSW)
Karen Organisation of Bendigo (Vic)
 Karen Settlement and Community Workers Forum (NSW)
 Koondoola Integrated Services Centre (WA)
 La Trobe Refugee Research Centre (Vic)
 Legal Services Commission of South Australia
 Lieck Nuer Community (Vic)
 Life Without Barriers (NT)
 Lifeline Darling Downs (Qld)
 Liverpool City Council (NSW)
Liverpool Migrant Resource Centre (NSW)
 Loddon Campaspe Community Legal Centre (Vic)
 Lutheran Community Care (SA)
 Mackillop Family Services (Vic)
 Macquarie Community College (NSW)
 Maryborough Rural Australians for Refugees (Vic)
Melaleuca Refugee Centre (NT)
 Melkite Welfare (NSW)
 Mercy Care (WA)
 Mercy Family Services (Qld)
 Merri Community Health Service (Vic)
Metropolitan Migrant Resource Centre (WA)
Metro Migrant Resource Centre (NSW)
 Middle Eastern Communities Council of SA
Migrant and Refugee Settlement Services (ACT)
Migrant Resource Centre of South Australia
 Migrant Women's Support and Accommodation Services (SA)
 Mill Park Leisure (Vic)
 Milpera State High School (Qld)
Multicultural Council of the Northern Territory
Multicultural Council of Wagga Wagga (NSW)
Multicultural Development Association (Qld)
 Multicultural Youth Advocacy Network
Multicultural Youth NT
 Navitas (NSW)
 New Horizons (NSW)
 Northern Community Legal Services (SA)
 Northern Health (Vic)
Northern Settlement Services (NSW)
 Northern Suburbs Community Legal Centre (WA)
 Northern Territory Council of Social Service
 NSW Community Services
 NSW Fair Trading
 NSW Police
 NSW Refugee Health Service
 NSW Services for the Treatment and Rehabilitation of Torture and Trauma Survivors
 NT Committee for Human Rights Education
 Nuba Mountains Association of SA
 Office of Multicultural Affairs and Citizenship (Vic)
 Plenty Valley Health (Vic)
 Polytechnic West (WA)
 Popular Chaldean Syriac Assyrian Council of Victoria
 Preston Reservoir Adult Community Education (Vic)
 Primary Care Connect (Vic)
 Public Health North Metro (WA)
 PVS Workfind (WA)
 Queensland African Communities Council
 Queensland Health
 Queensland Police
 Queensland Program of Assistance to Survivors of Torture and Trauma
 Queensland Tuberculosis Control Centre
 Red Cross (ACT, NT & Tas)
 Refugee Health Queensland
 Refugee Health Service (NT)
 Relationships Australia (NT)
 River Nile Learning Centre (Vic)
 Rockhampton Regional Council (Qld)
 Refugee Resettlement Committee (ACT)
 Russell Kennedy Solicitors (Vic)
 Rwandan Association of Queensland
 SA Health
 Salvation Army (NT & Vic)
 Sanaat Association (Vic)
 Settlement Services International (NSW)
 Shepparton Afghan Community (Vic)
 Social Justice Commission (Qld)
 Somali Communities Association of Logan (Qld)
 Somali Women's Association (Qld)
South Eastern Region Migrant Resource Centre (Vic)
 South Eastern Sydney and Illawarra Area Health Service (NSW)
 Southern Ethnic Advisory and Advocacy Council (Vic)
 Southern Health (Vic)
Spectrum Migrant Resource Centre (Vic)
 Springvale Community Aid and Advice Bureau (Vic)
 St Vincent de Paul Society (Qld)
St Vincent de Paul Society, Wagga Diocese (NSW)
Survivors of Torture and Trauma Assistance and Rehabilitation Service (SA)
 Sydney Business Education Partnerships (NSW)
Sydwest Multicultural Services (NSW)
 TAFE e-Learning Systems (Qld)
Toowoomba Refugee and Migrant Support (Qld)
 Toowoomba Regional Council (Qld)
 Townsville Multicultural Support Group (Qld)
 Tuberculosis Unit, Centre for Disease Control, Department of Health (NT)
 Turkish Women's Recreational Group (Vic)
 Uniting Care Cutting Edge (Vic)
 Uniting Care Family Services (Vic)
 University of Southern Queensland
University of Wollongong (NSW)
 Victoria Police Multicultural Advisory Unit
 WEA Hunter (NSW)
 Western Bulldogs (Vic)
 Western Sydney Institute of TAFE (NSW)
Whittlesea Community Connections (Vic)
 Whittlesea Interfaith Network (Vic)
 Wyndham City Council (Vic)
Wyndham Community and Education Centre (Vic)
 Wyndham Community Legal Service (Vic)
Wyndham Humanitarian Network (Vic)

7.3. ACRONYMS USED IN THIS SUBMISSION

ACFID	Australian Council for International Development
AMEP	Adult Migrant English Program
ATCR	Annual Tripartite Consultations on Resettlement
AusAID	Australian Agency for International Development
AUSCO	Australian Cultural Orientation Program
DFAT	Department of Foreign Affairs and Trade
DIAC	Department of Immigration and Citizenship
HSS	Humanitarian Settlement Services
IGR	Commonwealth Treasury's Intergenerational Report 2010
IOM	International Organization for Migration
JSA	Job Services Australia
NEA	National Education Agreement
NGO	Non government organisation
RCOA	Refugee Council of Australia
RRAC	Refugee Resettlement Advisory Council
RSO	Regional Support Office
SHP	Special Humanitarian Program
UAM	Unaccompanied (asylum seeker) minor
UHM	Unaccompanied humanitarian minor
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNSW	University of New South Wales
WGR	Working Group on Resettlement