

# Family reunion and Australia's Refugee and Humanitarian Program: A discussion paper

*"...I need someone to lean on, and someone to depend on. And it becomes hard when you do not have someone to advise you, to guide you, and someone to support you."*

- Sudanese woman, 23, ACT

Through annual community consultations, the Refugee Council of Australia (RCOA) has long identified family reunion as one of the top priorities for refugees and other humanitarian entrants. The need for families to be reunited is not only elucidated by refugees, as facilitating family reunion has been shown to have an impact on settlement through improvements in economic participation as well as the psychosocial wellbeing of refugees themselves.

This discussion paper outlines some of the key issues and concerns with regard to how people settling in Australia through the refugee and humanitarian program are able to reunite with their families. This paper explores the impact of policy and processes around travel expense, definitions of family, extended separation, regional targets, split families, travel documents, health checks, settlement support for reunited families, migration advice and Special Humanitarian Program (SHP) visas on family reunion experiences. The paper also highlights key recommendations to move forward in addressing these concerns.

In terms of methodology, RCOA annually engages in extensive community consultation to report to the government on the future of Australia's refugee and humanitarian program. The information contained within this paper is derived from national community consultations held over the past three years (see [RCOA 2007, 2008, 2009](#)), involving over 1000 people and over 200 community organisations, as well as in-depth interviews with two young women for whom the challenges of family reunion has weighed heavily on their settlement experiences and ability to build a long-term future in Australia.

## The importance of family

The importance of the family in successful settlement has been explored in research<sup>1</sup>. Having family present can ameliorate the psychosocial effects of traumatic events and gives refugees the emotional resources to begin to rebuild their lives in Australia. Also, families can provide the resources – both emotional and financial – to facilitate economic participation in Australian society.

Anxiety about the welfare of family members left behind in situations of danger and deprivation sustains a sense of helplessness and contributes to depression and long-term post-traumatic stress reactions. The impact on the individual's mental health can adversely affect her/his relationships and capacity for intimacy. Without family, new arrivals may be unable to make any long-term plans, believing that they must not do so until the family can make them together.

Concerns about family overseas weigh heavily on the minds of refugees and humanitarian entrants, who find it difficult to concentrate on the more practical tasks of settlement such as learning

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<sup>1</sup> Research into the relationship between family and the successful settlement of refugee and humanitarian entrants is currently being undertaken by the Victorian Foundation for Survivors of Torture and La Trobe University's Refugee Health Research Centre and is due to be completed in 2009. The literature review undertaken as part of this research points to strong evidence that the successful settlement of people of refugee backgrounds can be significantly facilitated by the presence of family members.

English. This has follow-on effects for their capacity to enter the workforce or participate in the broader Australian society. Those most affected by family separation are the most vulnerable – women, children and the elderly. For instance, in the absence of the extended family to help with care giving, women with infants have little opportunity to move beyond the domestic sphere and are isolated from the wider community.

*“It has been obviously hard. Being in a foreign country where you don’t have your closest family members to lean on whenever you have problems and need help. It is hard. Now that I’m in Canberra alone, it is so lonely at home. And that I have a one-year-old daughter, if my mum was here she would help look after, and I could continue with my studies. If my other siblings were here, they would play with my baby, I would play with them; the family would be a family. That peace and support of a family is what I am missing.”*

- Sudanese woman, 23, ACT

Conversely, the presence of family can be very beneficial and have a therapeutic effect on people who have survived traumatic experiences. Family plays a pivotal role in providing emotional, physical and material support. Family anchors the individual’s identity by affirming mutual understanding of roles and experience. Intact families can devote their full energies to rebuilding their lives.

It is difficult for new arrivals to look forward when separated from their families. Those who have elderly or sick family members sometimes need to return to their country of origin, despite safety concerns, to care for older family members in the absence of formalised health care or aged care systems. Moreover, remittances to family overseas often constitute a major financial burden, leaving little for education in Australia or for basic needs such as food.

*“And the thing is, since they are [in Kenya], I am the one who is supporting them with the money that I have to support myself. This is what I share with them, and it is making life harder on me too. Because I can’t leave them there suffering while I have a house to sleep in and I have food to eat, and they don’t have food to eat. What I have is what I share with them.”*

- Sudanese woman, 23, ACT

Economic participation, whether through employment or the establishment of small businesses, is also a high priority for refugees and humanitarian entrants on resettlement. Earning an income is obviously important to meeting the material needs of family both in Australia and overseas and to secure family reunification. Further, engaging in productive work is a source of personal satisfaction, a signifier of independence, and means of social connection. Refugees consulted often speak about work being a way in which they can express their gratitude and contribute positively to the new country in which they have been resettled. Unemployment and reliance on state benefits results in dependency, frustration, poverty and a loss of pride and dignity.

The importance of family in economic terms is well captured by Professor Bill Ong Hing with respect to the experience of the refugees in the United States:

*The truth is that the family promotes productivity after resettlement in the United States through the promotion of labour force activity and job mobility that is certainly as important – perhaps more important – than the particular skills with which the individual arrives. Family and household structures are primary factors in promoting high economic achievement.<sup>2</sup>*

For a refugee or humanitarian entrant, the presence of a supportive family enhances his/her capacity to negotiate services, access education, establish strong social networks and find a job. The extended family can be an important source of information about employment opportunities

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<sup>2</sup> *Promoting Family Values and Immigration*, Testimony of Professor Bill Ong Hing (Professor of Law and Asian American Studies, University of California, Davis) before the House Judiciary Subcommittee On Immigration, 8 May 2007, page 14 [http://www.advancingequality.org/files/Hing\\_Testimony.pdf](http://www.advancingequality.org/files/Hing_Testimony.pdf) (accessed 23 December 2008)

both early in the settlement period and later on when looking for career advancement. It is commonplace for many refugee communities to seek employment through informal connections rather than through formalised employment networks.

Extended families are also important to the establishment and operations of small businesses, a common practice among refugees and humanitarian entrants in Australia and other resettlement countries. The financial resources of family members are pooled for the common good, enabling the start up of enterprises which credit barriers may otherwise render unfeasible. Then, household members provide the labour often at low cost until the business becomes viable.

Apart from economic participation, extended family structures provide better prospects for achieving financial self-sufficiency and minimising the risk of serious poverty. The households of refugees commonly include the extended family and, in a spirit of collectivism, resources are shared.

## Family reunion and policy issues

*"They should change the whole system.... If you accept me to come to Australia as a refugee on a humanitarian visa, why [shouldn't] you accept my family to come?"*

- Sudanese woman, 27, Victoria

While research highlights the important role that families play in a person's ability to successfully rebuild their lives in Australia, the following highlight a number of key policy issues which prevent family reunion:

### Definition of family

The Department of Immigration and Citizenship's (DIAC) approach to how family is defined causes great heartache to many people seeking family reunion. The problem is two-fold:

- the definition of immediate family being restricted to parents and children under the age of 18 years, excluding others who live as part of the family and are dependent on the principal breadwinner/s;
- the failure to recognise the strength of the ties and cultural obligations to members of the extended family in African, Middle Eastern and Asian cultures.

The narrow definition of immediate family excludes unmarried adult children, older relatives who live with the family, stepchildren whose biological parents have died and children who have been adopted where no government-sanctioned process of adoption is available (including children of deceased relatives and neighbours). In many cases, these family members are very vulnerable when they are left behind in a refugee camp or urban setting. The United Nations High Commissioner for Refugees (UNHCR) has recognised the need to reflect the variety of configurations that constitute the refugee family, broadening its definition of family to include concepts of dependency:

*UNHCR aims to respect the culturally diverse interpretations of family members, as long as they are in accordance with human rights standards. Its definition of family for the purposes of settlement includes the concepts of dependency. Unlike some settlement states, UNHCR include as part of the family unit individuals who are engaged to be married, who have entered into customary marriage, or who have otherwise established long-term partnerships (including same-sex partnerships). The UNHCR definition also includes persons who may be dependent on the family unit, particularly economically, but also socially or emotionally dependent. This includes children who have reached 18 years of age or who are married (if they remain in the*

*family unit) or children or older people under foster care or guardianship arrangements, but are not biologically related.*<sup>3</sup>

People from many cultural backgrounds speak about the differences between the understanding of family in Australia and in their countries of origin. People of Sudanese background speak of the clan as family and of the moral responsibility of each person to share with other members of their clan. In the Assyrian language, the word “cousin” does not exist because cousins are regarded as brothers and sisters.

For some, the SHP does provide the means for members of an extended family to reunite. A settlement service provider in one city speaks positively of how the SHP has enabled the local Sierra Leonean and Sudanese communities to be built up over time, with many of the people in each community directly related. She notes that this has done much to help people feel at home in Australia.

Several situations have been identified where a flexible approach to the definition of family and dependency is needed:

- Children who have been informally adopted by relatives or friends after their parents have died.
- Adults unable to sponsor children over 18, even if they consider them to be dependants, as is often the case with unmarried children and widowed or divorced daughters.
- Unaccompanied minors who have reached majority while in Australia being unable to sponsor their families successfully. This situation occurred among Temporary Protection Visas (TPV) holders who arrived as minors.
- Former TPV visa holders unable to sponsor children that have reached majority while they have been in Australia
- Dependent relatives who do not meet the “aged” qualification.

***RCOA recommends that the Australian Government apply the UNHCR Resettlement Handbook’s definition of family when determining refugee and humanitarian visa applications.***

## **The Special Humanitarian Program (SHP) and family reunion**

*“For other people, they applying for there families [to] come here and they reject them and they say oh, what you gonna do. That’s it; they reject them. They never go back, never appeal again, because they don’t know the system.”*

*“They don’t know the process you know, filling the forms, that [comes back to] the language. You need very strong language skills”.*

- Sudanese woman, 27, Victoria

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

<sup>3</sup> *Challenges and Opportunities in Family Reunification*, Discussion Paper for 2008 Annual Tripartite Consultations on Resettlement, Geneva, 30 June to 2 July 2008, UNHCR, pages 2-3.

A common concern from those lodging SHP proposals is for greater clarity about why applications are being accepted or rejected. Other concerns include: the creation of false hopes among proposers and potential entrants; time wasted by all parties (including DIAC) on the huge number of applications; the frustration created by multiple and serial rejections with no clear explanation; and mistakes being made in the processing of applications.

The failure to give specific feedback about unsuccessful SHP applications causes great distress for many applicants. Unsuccessful applicants report that DIAC continues to issue standard rejection letters, citing clauses in the Migration Act but providing no specific information about why the particular application was rejected nor any advice which might assist in the lodging of future applications (such as criteria to be met or if and when a repeat application could be made). This lack of information creates divisions within some families, with the Australian-based applicant unable to explain to relatives overseas why the application was unsuccessful.

One community-based group reported receiving an acknowledgement of the group's SHP application and notification of refusal on the same day, raising questions for the group about why the application was so easily dismissed. Some community groups were finding the SHP applications they lodged had almost no chance of success.

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

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

***RCOA recommends that, to inform public discussion about the future of the SHP, DIAC release quantitative and qualitative information about the types of SHP applications being received, how applications are being assessed and the criteria used in determining which applications are successful.***

***RCOA recommends that DIAC improve its feedback to people whose SHP proposals are unsuccessful, in keeping with the recommendations of Report 15/2007 of the Commonwealth Ombudsman.***

## **Migration advice**

*'It took me 1½ years. From filling out the forms... they rejected them and I appealed to the tribunal. They went again for interview and they accepted them to come [...] The cost is very expensive... paying for the forms.... paying for the lawyers, because, you know, I don't know the system. I don't know the way you apply because the form I did by myself and they rejected them. That's why I needed someone professional; they know their job and that person can assist me...'*

- Sudanese woman, 27, Victoria

Free migration and application advice and assistance for SHP applications are shrinking resources, despite the increasing demand for non-fee charging migration agents. The funding available for migration advice through the Settlement Grants Program (SGP) has been reduced and it does not meet the increasing demand. The use of migration agents to lodge SHP applications can be crucial

for the success of the application and for ensuring the system is cost effective for DIAC. However, non-fee charging migration agents are very difficult to access and there are very long waiting lists for legal aid to provide free migration advice. Private migration agents may be very costly and unaffordable for many humanitarian entrants, who often will incur high debts to access this service to be reunited with their family.

The application forms under the SHP are highly complex and difficult to complete adequately by many humanitarian entrants, who are unfamiliar with bureaucratic processes. However, humanitarian entrants unable to access non-fee charging migration agents or to pay for a private agent, often attempt to complete the forms themselves, resulting in poor quality applications with essential data missing and subsequent high refusal rates. Community leaders report that they are often under pressure to assist with this task which they find very time consuming and sometimes difficult. The lack of free migration advice results in numerous repeat applications, additional work for DIAC and undue stress for the applicants.

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

## Extended separation

*"We haven't seen each other for quite some time – over 10 years I think – but however we've tried to meet and see. We can't. I can't afford to go there, and I can't afford bringing them here."*

- Sudanese woman, 23, ACT.

While priority is given under the SHP to reuniting split families (parents and children under the age of 18 years), there are practical difficulties and delays experienced by refugees and humanitarian entrants seeking family reunion. The circumstances of families being split by war and persecution are deeply traumatic, with many people fearing the worst has happened to their children or spouse until the missing family member/s are traced. However some families are still waiting to be reunited with recently traced children more than eight months after an SHP application has been lodged.

Continuing problems are being experienced around family members being left behind when the rest of the family are resettled because, for any number of reasons, their names are being omitted from the original refugee or humanitarian visa application. Family members are being omitted because:

- the family member was not present at the time the form was submitted but was reunited with the family prior to resettlement;
- mistakes were made in the filling out of the form, by the principal applicant, interpreters or UNHCR staff;
- the applicant married or gave birth to a child after the visa application was submitted.

*"When I went to a migration office here in Canberra, they told me that it is only when the majority of the family is here, that is when they will bring the other members to Australia. But since most of our other family members are in Kenya, it would be for us to go there rather than us bringing them here. So that is the rule under the Humanitarian law."*

- Sudanese woman, 23, ACT

In many cases, the family members whose visas are approved are advised to resettle in Australia and then to apply for reunion with the spouse or child left behind. The fear of missing out on resettlement is so great that this course of action is commonly taken, leaving the family in great distress while they wait for reunion to occur. Similar distress is experienced by Woman at Risk visa entrants who, after arrival, discover that a husband, previously believed to be dead, is in fact

alive. They then must go through the complicated process of seeking a waiver to permit family reunion to occur.

The delay in family reunion is extended by the refusal of some host countries to issue exit visas promptly or at all. Conversely, some countries, from time to time, issue visas with very short expiry dates requiring rushed departures. In Perth, one man found that his wife and eight children were given a two-week exit visa, leaving him with no time to organise alternative accommodation in a very difficult rental market and no option but to welcome them to his one-bedroom flat.

## **Regional targets**

RCOA has previously expressed concern about the impacts of applying the same regional target across both the Refugee and Special Humanitarian Program. The regional targets for each year's programs are set after consultation with UNHCR about the most pressing international refugee resettlement priorities. However, the priorities for the SHP differ substantially, with the greatest pressure being meeting the family reunion needs of people who have arrived as refugees in previous years. The shifts from year to year in the regional composition of the overall program make this more difficult.

The reduction in the African component of the program from 51% in 2006-07 and 70% two years earlier to 30% in the 2007-08 financial year means that many African families are now seeking to reunite through a much smaller regional program. Inevitably, the number of African refugee places is restricted to make room for more SHP visas and also the bar for a successful SHP application from Africa is set higher than it is for Asia, where current demand for humanitarian family reunion is much lower because of fewer refugee arrivals in the past. The abolition of the TPV, enabling people previously denied permanent residency to apply to bring family members to Australia, will result in an increase in family reunion applications for people from the Middle East and South-West Asia Region.

In recommending a distinct Humanitarian Family Reunion visa, we propose that applications be determined independent of any regional targets so that decisions can be based solely on humanitarian need.

***RCOA recommends that applications for family reunion under the humanitarian program should be determined without reference to regional targets.***

***RCOA recommends that:***

- ***a specific Humanitarian Family Reunion visa category be developed, linked numerically to the Special Humanitarian Program and offering settlement support for new arrivals; and***
- ***special priority be given to processing applications from former temporary protection and temporary humanitarian visa holders seeking to reunite with their families.***

## **Split families**

A recurring issue is surrounding the situation of families that have members resettled in different countries. Examples include:

- a husband and one child who fled to Guinea being settled in Australia and the wife and two children who fled to Ghana being settled in the United States; and
- an adult sister being resettled in Australia and her adult brother in the United States.

Few refugees or humanitarian entrants have any influence over their choice of resettlement country. Many do not discover the whereabouts of missing family members until after they have resettled. Others are resettled in different western countries, believing that migration between countries will be relatively easy. Where families are separated by being resettled in different

countries, there is no effective solution currently available. While UNHCR attempts to reduce the likelihood of this occurring, the same level of care is not taken in all circumstances. Also, the trend towards different states resettling small numbers of people from the same protracted refugee situation increases the likelihood of families being separated.

However, with good will and flexibility, resettlement countries could work together to provide equitable migration options for families separated in this way. Australia is well placed to initiate discussion with the two other major resettlement countries, the United States and Canada, about ways of enabling separated families to reunite. Further research could be conducted into the extent of the problem, the circumstances which led to families being separated and strategies for preventing and resolving problems.

**RCOA recommends that the Australian Government:**

- **conduct research into the extent to which families have been separated by resettlement in different countries;**
- **initiate discussions with the United States, Canada and UNHCR about strategies to resolve these issues and prevent future problems occurring.**

## Travel expenses

*"We haven't seen each other for quite some time – over 10 years I think – but however we've tried to meet and see we can't. I can't afford to go there, and I can't afford bringing them here".*

- Young Sudanese woman, 23, ACT.

In June 2008, RCOA released research into the impacts of Australia's policy of requiring SHP proposers to pay the costs of travel to Australia for the new humanitarian entrants they propose. Supported by the Reichstein Foundation, RCOA interviewed SHP entrants and proposers in metropolitan and regional Victoria, drawing the findings together into a report, [Who Bears the Cost of Australia's Special Humanitarian Program?](#)

The report noted that most proposers were former refugee or SHP entrants themselves, many of whom were still in the early stages of settlement. The people they are proposing are usually family members or others to whom they have obligations and are coming from refugee-like situations. In many cases, the people they are proposing are recognised refugees. The International Organisation for Migration (IOM) received funds from the Australian Government to provide interest-free loans to proposers to cover airfare costs. Despite the estimated 40% of proposers accessing this loan scheme, they made up only a small percentage of proposers interviewed in the RCOA study. The majority were taking loans from informal sources, in some cases with excessively high interest rates and short repayment periods. Not all proposers are aware that they can access the loans through IOM and many people still prefer to go through community channels, even if they have to pay high interest rates. Finally, there are not enough loans available and some potential proposers find it difficult to comply with the criteria for accessing the loans (e.g. unaccompanied minors).

In some cases, difficulties in raising the funds for airfares were causing delays in the arrival of families, the report found. Sometimes this resulted in families being split across continents, if the funds could not be raised for all family members. The desire to access funds as quickly and easily as possible once the visas had been issued made proposers vulnerable to exploitative loan arrangements.

In most cases where the SHP entrant was not an immediate family member (i.e. spouse or dependent child), the proposer was handing the debt over to the new entrant/s. This meant that most new SHP entrants were arriving with significant existing debt. As a result of the debt, many new SHP entrants were unable to afford their own accommodation and were forced to live with their proposer, often in overcrowded conditions until the loan was paid off. This placed a significant strain on the relationship between the proposer and the new entrant, resulting in some cases in the

relationship breaking down at a crucial stage in the new entrant's settlement process. In some cases, proposers were taking advantage of the vulnerability of the new entrants and making a profit from the airfares. Gratitude and lack of other community supports meant few new entrants were prepared to challenge or question the amounts or loan conditions. In a number of cases, proposers took complete control of the new entrant's finances until the debt was paid off. This included seizing bank cards and Centrelink details.

Having to pay back a debt for airfares caused enormous hardship for many new entrants including poverty, malnutrition, housing stress and overcrowding, homelessness, separation of families across households, discontinuation of schooling, bad credit ratings and bankruptcy.

***RCOA recommends that the Australian Government cover the cost of airfares for SHP entrants and/or implement the other recommendations outlined in the RCOA report, Who Bears the Cost of Australia's Special Humanitarian Program?***

## **Travel documents**

Concerns have been raised about errors on travel documents issued to refugees and SHP entrants being resettled in Australia and the difficulties these errors cause people before and after resettlement. These errors can occur at several points in the process – during initial registration by UNHCR; the translation of original identity documents from the country of origin; DIAC's processing of visa applications; and IOM's preparation of papers. Errors reported include the incorrect spelling of names, the incorrect recording of gender and date of birth (such as recording adults as being born in 2000) and even the recording of an altogether incorrect identity. The practice of issuing travel documents in a sealed parcel prevented the person concerned from checking that the documents recorded her/his details correctly. In one case, the details were recorded correctly on the DIAC computer but incorrectly on the travel documents issued to the refugee entrant. However, DIAC reportedly refused to correct the travel documents.

Some errors have more complicated origins. In some traditions, when a husband dies, the brother marries his wife and any future children are given the name of the dead brother, not the biological father. This makes the recording of an immediate family more difficult. One woman spoke of how, at a time when she and her family had no food and she couldn't get access to UNHCR registration processes, she met a person who was leaving the refugee camp and sold her a refugee camp ration card. This ration card was then used by authorities as the only proof of the woman's identity and ultimately ended up on her travel documents. She has had great trouble getting this corrected.

Where a number of family members are part of a single Refugee or SHP visa application, the identity document is issued to the primary visa holder, leaving other visa holders in the family without a copy. This was another issue identified in community consultations, with concerns expressed about the difficulties associated with obtaining additional copies of the identity document. This problem is exacerbated when a family breaks down after resettlement in Australia. RCOA believes each person should be entitled to his or her own identity document and should have the right to have it corrected where mistakes have been made and the right to have new documents issued if they are lost.

***RCOA recommends that DIAC examine strategies to resolve the following concerns about refugee and humanitarian visa travel documents:***

- ***delays in getting errors corrected;***
- ***problems caused by documents being issued to only one member of a family;***
- ***the failure of some government agencies and companies to recognise the documents as a valid form of identity.***

## Health checks

While RCOA recognises the value of a rigorous system of health checks for refugee and humanitarian entrants to Australia, consideration also needs to be given to the situation of people who fail their pre-departure health check. If one member of the family fails the pre-departure medical, they then have to wait for treatment to occur and for every family member to undergo another pre-departure medical check. In the meantime, the family can be left with nowhere to live, having sold their property in the refugee camp, and the children, having been withdrawn from school for their departure to Australia, cannot easily return for what might or might not be a short period. The period before being cleared for departure to Australia can take some time. One family in a Thai-Burma border camp was still waiting 20 months after a family member failed the pre-departure medical.

The community leader who raised this concern believes most of the medical issues identified by pre-departure health screening can be best addressed in Australia, obligating the new arrival to seek treatment through a health undertaking. Where this is not possible, DIAC should give consideration to providing special assistance to ensure that families are not left in very difficult circumstances while waiting for a final health clearance.

RCOA remains concerned that applicants are being excluded from the program solely because of a health or a disability issue. This is of particular concern where families face the choice of leaving a family member behind, or where the whole family is refused resettlement. The consultation heard of at least one case where a family member had to remain behind because of a medical issue. This increased the vulnerability of the family member left behind and had a detrimental effect on the settlement process of the rest of the family.

***RCOA recommends that DIAC assess the situation of each family or individual whose departure to Australia is delayed by a failed pre-departure medical check, to determine whether special assistance is required while their health status is resolved.***

***RCOA recommends that health waivers be used in cases where families are at risk of being separated or where the entire family is at risk of not being resettled due to the health concerns of one family member.***

## Settlement and support for reunited families

*"...It was very stressful for me.... I almost got divorced. It's very hard... I was not communicating... I was yelling screaming at my kids, at my husband..."*

- Sudanese woman, 27, Victoria

A number of issues have been raised concerning the way in which the settlement process can impact on relationships within some refugee and humanitarian entrant families. Power dynamics in the family can change dramatically during resettlement. Men can feel disempowered, particularly if they move from a situation where they had full responsibility for their family and a degree of power within their local community to one where they struggle to find work, to speak the language and have few social networks. In contrast, women typically may not experience the same loss of power but often have continuity of occupation through their role as family carer. Parenting may also become more difficult in a new environment. Children tend to learn English more quickly than their parents, they mix with other children who have different values and traditions and they tend to integrate into the new society much more quickly. Previous methods for disciplining children may be ineffective or inappropriate in the Australian context. Generational conflict may therefore arise.

As a result the strain on families can be quite profound. In some cases it leads to domestic violence, family breakdown and child protection concerns. Many families do not understand Australian laws and are confused and dismayed when the police or social services departments

interfere in what they see as a family problem. In the absence of traditional support structures and processes, problems within families can deteriorate to the point of police involvement or child safety interventions.

Real and visible frustration is expressed by refugees, humanitarian entrants and community representatives by what they perceive as heavy-handed and culturally insensitive behaviour by police or other officials, especially in relation to child safety interventions. It is suggested that child protection officials should receive more cultural-awareness training; also that intervention procedures should build in more dialogue prior to enforcement action, including through involving community leaders and elders. Where possible, official procedures should have the flexibility to incorporate some of the traditional processes of the communities involved. It is emphasised that police and child protection officers should be mindful of the distress caused to families, if having fought through terrible conditions to protect their children and bring them to safety in Australia, their children are subsequently taken away from them and placed in care.

It is recognised that part of the solution is better education of families about Australian law, particularly in relation to domestic violence and child protection and the provision of training on alternative parenting strategies. It is emphasised that humanitarian entrants need to be given early warning of the difficulties they may face as a family. They need to understand the role of the police and government in the Australian context but also need support and understanding to help them negotiate their way through this difficult stage of settlement. A three pronged approach is required:

1. Create a stronger preventative focus through:
  - a. The inclusion of information in relation to parenting and education, and legal issues about child protection and family and domestic violence to families during information sessions at the point of embarkation;
  - b. Provision of follow-up information and education sessions (as per point 1a) immediately after arrival in Australia, particularly to those families from new and emerging communities, these latter sessions to be delivered in collaboration with relevant State Government agencies;
  - c. Provision of culturally appropriate treatment and support services that take into account language and cultural barriers.
2. Better collaboration between services providing assistance to people from new and emerging communities:
  - a. Improved collaboration between services in relation to work with culturally and linguistically diverse (CALD) clients, particularly between Federal and State Government agencies – e.g. Centrelink, Medicare and DIAC – in order to improve services to newly arrived humanitarian entrants;
  - b. Ensuring appropriate funding of treatment and family support services for people from new and emerging communities. This should take into account the often high level of needs of this cohort and their long term therapeutic needs;
  - c. Ensuring the timely, thorough and regular reviews on the effectiveness of services provided to refugee children and their families;
  - d. Provision of culturally appropriate family and domestic violence services to CALD families, in particular ensuring that perpetrators are provided with appropriate child focused treatment and support services that address language and cultural issues and barriers;
  - e. Ensuring that relevant State government departments – e.g. health, police, child protection, education – are provided adequate and early information about the number of humanitarian entrants settling into their geographical areas; and,
  - f. Improving CALD data collection at state and national levels regarding child protection notifications and domestic violence interventions, to assist in the better targeting of services.

3. Attracting and retaining the right workforce:
  - a. Employing bi-cultural workers that reflect the needs of the client group, to better meet their service delivery needs.

**RCOA recommends:**

- ***That DIAC and the Department of Family, Housing, Community Services and Indigenous Affairs (FaHCSIA) increase funding for projects which address the support needs of recently arrived humanitarian entrant families.***
- ***That guidance on where to get help with family problems as well as greater information about the Australian legal system, including the role of police and government authorities, be included in on-arrival orientation for humanitarian entrants.***
- ***That police and child protection authorities increase cultural awareness training for frontline staff and engage community leaders in dialogue about how to conduct interventions in a more culturally sensitive manner.***

## Summary of Recommendations

1. RCOA recommends that the Australian Government apply the UNHCR Resettlement Handbook's definition of family when determining refugee and humanitarian visa applications.
2. RCOA recommends that, to inform public discussion about the future of the SHP, DIAC release quantitative and qualitative information about the types of SHP applications being received, how applications are being assessed and the criteria used in determining which applications are successful.
3. RCOA recommends that DIAC improve its feedback to people whose SHP proposals are unsuccessful, in keeping with the recommendations of Report 15/2007 of the Commonwealth Ombudsman.
4. RCOA recommends that funding be made available, either through the Immigration Advice and Application Assistance Scheme or a similar program, for non fee charging migration agents to provide assistance to people lodging SHP applications.
5. RCOA recommends that applications for family reunion under the humanitarian program should be determined without reference to regional targets.
6. RCOA recommends that:
  - a specific Humanitarian Family Reunion visa category be developed, linked numerically to the Special Humanitarian Program and offering settlement support for new arrivals;
  - special priority be given to processing applications from former temporary protection and temporary humanitarian visa holders seeking to reunite with their families.
7. RCOA recommends that the Australian Government:
  - conduct research into the extent to which families have been separated by resettlement in different countries;
  - initiate discussions with the United States, Canada and UNHCR about strategies to resolve these issues and prevent future problems occurring.
8. RCOA recommends that the Australian Government cover the cost of airfares for SHP entrants and/or implement the other recommendations outlined in the RCOA report, *Who Bears the Cost of Australia's Special Humanitarian Program?*
9. RCOA recommends that DIAC examine strategies to resolve the following concerns about refugee and humanitarian visa travel documents:
  - delays in getting errors corrected;
  - problems caused by documents being issued to only one member of a family;
  - the failure of some government agencies and companies to recognise the documents as a valid form of identity.
10. RCOA recommends that DIAC assess the situation of each family or individual whose departure to Australia is delayed by a failed pre-departure medical check, to determine whether special assistance is required while their health status is resolved.
11. RCOA recommends that health waivers be used in cases where families are at risk of being separated or where the entire family is at risk of not being resettled due to the health concerns of one family member.
12. RCOA recommends
  - That DIAC and the Department of Family, Housing, Community Services and Indigenous Affairs (FaHCSIA) increase funding for projects which address the support needs of recently arrived humanitarian entrant families.
  - That guidance on where to get help with family problems as well as greater information about the Australian legal system, including the role of police and government authorities, be included in on-arrival orientation for humanitarian entrants.
  - That police and child protection authorities increase cultural awareness training for frontline staff and engage community leaders in dialogue about how to conduct interventions in a more culturally sensitive manner.