AUSTRALIA’S RESPONSE TO A WORLD IN CRISIS

Community views on planning for the 2016-17 Refugee and Humanitarian Program

March 2016
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Cover photo: Housing destroyed in Homs in western Syria, a city from which more than 400,000 people have been forced out since the nation’s civil war began in 2011. As at March 2016, more than 12 million of Syria’s 22 million have been displaced – 6.6 million people inside the country, 4.8 million as refugees in neighbouring countries and 900,000 as asylum seekers in Europe.

Photo: UNHCR / B.Diab

Prepared by: Refugee Council of Australia
Suite 4A6, 410 Elizabeth Street, Surry Hills NSW 2010 Phone: (02) 9211 9333
Email: admin@refugeecouncil.org.au Website: www.refugeecouncil.org.au

This report is the Refugee Council of Australia’s 30th annual submission to the Australian Government on planning for the nation’s Refugee and Humanitarian Program. It is based on national community consultations conducted between August and December 2015, as well as information gathered throughout the year through the Refugee Council’s involvement in national policy networks, local meetings with refugee communities and services and international meetings focused on refugee priorities and strategies.

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1. EXECUTIVE SUMMARY

The year 2015 was a dramatic and traumatic period for refugees, in Australia and internationally. The number of people forcibly displaced due to persecution, conflict, violence and human rights violations is now at the highest level since World War II. The enormous challenges of global displacement have come to be symbolised by dramatic images of Syrian children washing up dead on the shores of the Mediterranean Sea, Germans lining up to help refugees at train stations and Hungary’s barbed wire fence along its border.

In Australia, those images were mixed with alarming stories of the harm suffered by the people detained in Nauru and Papua New Guinea. Less visibly, the year 2015 was marked by the implementation of dramatic changes in Australia’s asylum policy, affecting over 30,000 people in the Australian community. These included significant changes to the determination of refugee status, the introduction of Temporary Protection Visas and the removal of government-funded legal assistance.

New issues emerged, including protracted delays in the granting of citizenship and the denial of access to further or higher education for those on Temporary Protection Visas. Most of the old problems remained, including the vanishing prospects for many refugees of being reunited with their loved ones, access to education and employment, and the absence of suitable housing options.

This submission to the Australian Government on options for the 2016-17 Refugee and Humanitarian Program and for broader refugee policy reflects the voices and views, and the ideas and expertise, of individuals and organisations from across Australia: people from refugee backgrounds, people seeking asylum and the many brave and committed communities and organisations supporting them. It is the result of the largest consultation process ever conducted by RCOA in 30 years of preparing annual submissions, based on 50 face-to-face consultations in 17 cities and towns in eight states and territories, as well as additional meetings and teleconferences and a call for submissions. The submission also brings international perspectives, through gathered by RCOA from international networks, participation in global meetings and from refugee communities in Australia. While outlining current and future challenges for Australian refugee policy, our goal has been to draw together a constructive agenda of new ideas as well as incremental improvements to existing programs.

1.1. INTERNATIONAL REFUGEE NEEDS

The number of people forcibly displaced is now higher than at any point in the past seven decades. Almost 60 million people were displaced as at 31 December 2014, a number that has increased significantly in 2015. Unprecedented shortfalls in funding mean that humanitarian agencies “are no longer able to meet even the absolute minimum requirements of core protection and lifesaving assistance to preserve the human dignity of the people [they] care for.”

For the first time, the United Nations High Commissioner for Refugees (UNHCR) has projected that, for the first time, more than 1 million people will need resettlement, less than 1% of refugees are resettled. Given the remote chances of resettlement, people are increasingly forced to take dangerous journeys due to deteriorating conditions and the failure of states to protect.

While much international attention in 2015 focused on the tragic consequences of Syria’s civil war and its impacts across the Middle East and Europe, displacement in Africa continued to grow at an alarming rate. People continued to flee conflicts in Burundi, South Sudan, Central African Republic and Nigeria, while the conflict in Yemen displaced people into the Horn of Africa as well as Saudi Arabia and Oman.

This escalation of global displacement has been met with a mixed response. Countries like Turkey have kept their borders open despite already hosting over 2.7 million registered refugees. Many ordinary people have responded in a spirit of Willkommenskultur, such as those fishing people out...
of the sea in Greece and Indonesia, the Germans lining up to help at train stations, and those in Jordan inviting refugees into their homes. Additional pledges to resettle Syrians increased significantly, including through the pressure of public sentiment in Australia.

On the other hand, many governments are increasingly adopting punitive deterrent measures and seeking to shift responsibility for refugee protection to other countries, both fuelling and fuelled by rising xenophobic sentiment. Examples abound: Hungary’s construction of a barbed wire fence along its border with Serbia; the abandonment of Rohingya persons at sea; and the reaction of some American politicians to the resettlement of Syrian refugees.

In our consultations, we heard a wide range of concerns about situations of persecution and conditions in countries hosting refugees. Participants also identified particular countries, regions, ethnicities and religions as possible priorities for Australia’s resettlement program. Since 2011, the Refugee Council of Australia (RCOA) has advocated a set of principles to be used in planning the Refugee and Humanitarian Program. These principles include: making resettlement widely available as a durable solution; focusing on resettling vulnerable people; emphasising family unity; using resettlement strategically to promote broader refugee protection while balancing resettlement needs in different regions; and including an additional response for large-scale emergency situations such as the situation in Syria. Our calls for a larger resettlement program and an emergency component have been broadly supported in our consultations and by the generous public response of offers of help for Syrian refugees in 2015.

Most importantly, the last principle we have suggested is the need for a coherent overarching government strategy for refugee protection, extending beyond refugee resettlement to aid and development, involvement in multilateral forums and diplomatic action. These and other strategies (such as exploring alternative paths to admission) were discussed at an international level during the 2015 UN High Commissioner’s Dialogue on Protection Challenges, which focused on the need to address the root causes of displacement and to move from crisis management to crisis resolution and prevention.

Some possible strategies would be to: invest in prevention and early intervention; use Australia’s aid and development program to support host states with large displaced communities, fund peacebuilding and rehabilitation programs and increase humanitarian aid for displaced communities; and use our diplomatic relations to increase pressure to improve refugee protection.

1.2. AUSTRALIA’S REFUGEE AND HUMANITARIAN PROGRAM

In our consultations, the widespread view was that Australia’s Refugee and Humanitarian Program should be much larger, especially in light of global needs. This was a view supported by peak industry representatives as well as refugee community and settlement support organisations. However, some expressed concern about the lack of planning or consultation prior to the announcement of an additional allocation of 12,000 places for Syrian and Iraqi refugees and the poor quality of communication since the announcement.

For service providers outside of Sydney and Melbourne, the rising proportion of Special Humanitarian Program visas and Refugee visa entrants with existing links in Australia has threatened their viability due to its effect of diverting settlement to the major cities. The viability of programs has also been undermined by increasing numbers of refugees on sponsored visas, who received less funding but often had the same needs. Others raised concerns about the regional balance in the composition shifting too far, with resettlement opportunities for refugees from Africa failing to match the scale of need in that region.

Mixed views were also expressed about the Community Proposal Pilot, a part of the Refugee and Humanitarian Program that offers prioritised processing of family reunion applications through approved organisations. As in the past, the major concern raised was the very high cost of the applications (around $30,000 for a family of five). Nevertheless, there was enormous demand for the program and some expressed support for it as an alternative pathway with real potential, provided that it is separated numerically from the Refugee and Humanitarian Program.

As in the past, the most common concern raised about Australia’s Refugee and Humanitarian Program was family reunion. The barriers to family reunion – protracted delays in processing
applications, compounded by lack of information and legal advice; high costs; and limitations to eligibility for family reunion – have remained dispiritingly consistent. A more recent barrier is the effective denial of family reunion to those who arrived by boat. Participants continued to share heartbreaking stories of the psychological, economic and social impacts of family separation.

Participants generally welcomed the Refugee Council’s proposal for an alternative approach to humanitarian family reunion. The proposal would, in essence, shift split family applications to the Migration Program by creating a dedicated humanitarian allocation of family visas with concessions, and needs-based concessions for people sponsoring relatives in humanitarian need.

1.3. PEOPLE SEEKING ASYLUM

As in past years, participants in our consultations overwhelmingly expressed distress, shame, anger and frustration with the direction of Australia’s asylum policy. They criticised its focus on deterrence and punishment, failure to live up to Australia’s obligations, failure to understand the global picture and the drivers of forced migration and increasing secrecy.

In particular, participants continued to express strong opposition to the policies of offshore processing and boat turnbacks. The policies were seen as unjustifiable, unsustainable and imposed enormous human and financial costs, including on family and friends in the community and on staff involved.

These policies are having an inevitable and dramatic effect on the mental health of people seeking asylum, an issue that was raised urgently and consistently. While many raised the issue of access to mental health facilities, counsellors themselves observed that counselling sessions had become “almost meaningless” because it was the policies themselves that were causing the mental harm.

Across Australia, there was overwhelming concern expressed about the precarious lives of people seeking asylum who are living in the community. It was reported that they remain at real risk of destitution, despite the widely welcomed granting of work rights to those on Bridging Visas in 2015. Slow implementation of the new policy compounded other barriers to gaining work, such as the short-term nature of these visas and previous exclusion from settlement services.

A significant issue that emerged in 2015 was the introduction of a new refugee status determination process known as “fast tracking”, combined with the earlier removal of most government funding for legal advice and assistance to those who arrived by boat. This removal of funding has greatly restricted access to legal advice and assistance for highly vulnerable people. This has been compounded by particular problems with the new system, such as the declining quality of interviews, onerous evidence and documentation requirements and delays in communication and information.

Another very significant theme of the consultations was the increasing severity of policy and practice relating to immigration detention, including in offshore detention. In particular, participants reported concern at the practice of suddenly detaining people living in the community on “behavioural” or “character” grounds and the escalating crisis in mental health issues in detention centres.

Access to education and English language classes continued to be a major concern. The introduction of Temporary Protection Visas had the effect of denying access to further education to people currently seeking asylum who arrived by boat, because of the requirement that they pay international student fees. This compounded existing difficulties, such as access to high school after the age of 18 and the stress of seeking asylum inhibiting engagement with school.

Service providers also reported that, under the new Status Resolution Support Services program, more people were failing to qualify, with the burden falling on organisations without government funding. Further, the new program involves large and complex caseloads that are underfunded and provide only for very limited client contact, jeopardising the health and wellbeing of both people seeking asylum and the staff of service providers.

Participants unanimously opposed the introduction of temporary protection (in the form of Temporary Protection Visas or Safe Haven Enterprise Visas). In particular, participants were concerned at their impact on mental health and employment, the denial of family reunion and limited access to settlement services.
Many participants also expressed concern about the potential impacts of the Safe Haven Enterprise Visa scheme, which requires asylum seekers to work or study in a designated regional area for a particular period without certain welfare benefits. These concerns related to the lack of funding for support services, the disruption of existing networks, the risks of exploitation posed by such a scheme and the small chance that a person with such a visa could realistically access a permanent visa.

Nevertheless, there were some bright spots, including for example the introduction of transport concessions for people seeking asylum in New South Wales and the grant of work rights for people on bridging visas (although the gap between the right to work and access to work remained significant).

1.4. POST-ARRIVAL SUPPORT

One of the key post-arrival issues raised in this year’s consultations – which is also closely related to the introduction of Safe Haven Enterprise Visas – is that of the opportunities and challenges of regional settlement for refugees. The opportunities have been demonstrated by the successful settlement of Karen refugees in Nhill. Nevertheless, concerns remain about the under-funding of support services in regional areas and the need for effective coordination to make such opportunities real.

A major emerging concern in settlement policy was the tension between engagement with English tuition and further education and government policies which focus on pushing people into employment. Numerous participants noted that this had significantly undermined participation in English language tuition (including its settlement function) and would result in people being stuck in exploitative or low-skilled employment. In addition, the lack of culturally appropriate specialist providers of employment services has shifted the burden of providing this assistance onto other organisations. As well, there were reports of pressure, even intimidation, by Jobactive providers and concerns about the use of fines for people missing appointments.

Another key concern was the inadequate funding and settlement support for the increasing numbers of people with a disability being resettled in Australia. They face lengthy delays to access basic services and service providers reported that they are not receiving adequate or timely information about the needs of these individuals. Participants were concerned that these people will struggle to navigate the National Disability Insurance Scheme, while those on temporary visas will not be eligible for the scheme at all.

Another emerging concern has been the increasing delays in the grant of citizenship (which RCOA reported on last year) and the need for culturally appropriate services when dealing with family and domestic violence issues.

Some things have not changed. These include, for example, continuing barriers to education and employment and the lack of affordable and adequate housing.

1.5. LIST OF RECOMMENDATIONS

The Refugee Council of Australia has recently made detailed recommendations in other reports on the following policy issues which are supported by this report, including:

- On asylum policy (see Section 5): Eroding our identity as a generous nation: Community views on Australia’s treatment of people seeking asylum (December 2015)\(^5\);
- On education (see Section 6.1): Barriers to Education for People Seeking Asylum and Refugees on Temporary Visas (December 2015)\(^6\);
- On citizenship delays (see Section 6.6): Delays in Citizenship Applications for Permanent Refugee Visa Holders (October 2015)\(^7\);

- On social cohesion (see Section 5.5.2): A Place to call home? The impact of Australia’s refugee and asylum seeker policies on community cohesion (July 2015)\(^8\);
- On regional cooperation (see Section 3.6.4): Improving Refugee Protection in Asia-Pacific: How Australian can make a practical difference (July 2015)\(^9\) and
- On housing (see Section 6.7.3): The Home Stretch: Challenges and alternatives in sustainable housing for refugees and asylum seekers (November 2014)\(^10\).

The recommendations made below are in addition to recommendations previously made in those reports.

**Recommendation 1 – An integrated response to refugee protection**

The Australian Government should:

(a) develop a cross-portfolio approach to promoting the protection of refugees and working with other states to explore options to promote:

i. peace in countries of origin, particularly states from which the number of refugees and asylum seekers is increasing (e.g. Pakistan);

ii. reconciliation processes in countries where there is movement towards peace and possibilities for the eventual safe voluntary return of refugees (e.g. Burma, Sri Lanka);

iii. access to some form of legal status, alternatives to detention, work rights, education and health for refugees in countries of asylum, particularly in South East Asia;

iv. cooperation between resettlement states which even more actively engages with host states on other forms of durable solutions;

(b) convene a forum with NGOs, peak bodies, intergovernmental bodies and other relevant stakeholders to advance the development of this integrated response to displacement, including through consideration of the roles of aid, diplomacy, capacity-building and resettlement.

**Recommendation 2 – Regional strategy for Rohingya refugees**

The Australian Government should work together with regional governments and other resettlement states to develop a regional strategy for facilitating resettlement and brokering other durable solutions for Rohingya refugees, including through working for the reinstatement of resettlement from Bangladesh.

**Recommendation 3 – The size of the refugee program**

The Australian Government should increase the offshore refugee resettlement program to 20,000 places in 2016-17 and expand the program progressively in the following four years towards an annual program of 30,000 places. This should be done in consultation with settlement service providers and other relevant stakeholders to ensure the expansion is adequately resourced.

**Recommendation 4 – Additional intake for Syrians and Iraqis**

The Australian Government should make additional resettlement commitments of 10,000 places each year for the next three years for refugees displaced by the Syrian crisis, also consulting with settlement service providers regarding planning and the allocation of resources.

**Recommendation 5 – Regional composition of the Program**

The Australian Government should ensure that resettlement from Africa and Asia continues at a rate appropriate to the scale of need, with the Africa program making up at least 25% of the offshore program in 2016-17.

**Recommendation 6 – Composition of the program by visa subclass**

The Australian Government should:

(a) implement measures to ensure greater diversity in settlement patterns under the offshore component of the Refugee and Humanitarian Program (such as adjusting the balance between visa subclasses); and

(b) review the adequacy of funding for settlement services for those arriving on a Special Humanitarian Visa (class 202).

**Recommendation 7 – Community Proposal Pilot/Community Support Program**

The Australian Government should:

(a) substantially reduce the Visa Application Charge associated with the Community Support Program, and replace this with an Assurance of Support designed to cover the costs of providing settlement support within the first 12 months of arrival in Australia;

(b) increase the size of the Community Support Program significantly, including by expanding the geographic reach of the Program to ensure that it is available nationally in both metropolitan and regional areas;

(c) ensure that humanitarian need remains the primary criterion for processing priorities under both the Community Support Program and the Special Humanitarian Program;

(d) ensure that the Community Support Program includes a “safety net” mechanism to protect those sponsored in cases of emergency or relationship breakdown; and

(e) break the numerical link between the Community Support Program and the offshore Refugee and Humanitarian Program, providing a positive incentive for communities with financial means to work together to create resettlement opportunities which otherwise wouldn’t exist.

**Recommendation 8 – A new approach to humanitarian family reunion**

The Australian Government should:

(a) allocate at least 5,000 visas under the family stream of the Migration Program for refugee and humanitarian entrants. These visas should offer the following concessions: concession rates or waivers for Visa Application Charges; exemption from certain documentation requirements and the health requirement; prioritised processing if family members are at immediate risk; access to relevant settlement services; and exemption from Centrelink’s Newly Arrived Resident’s Waiting Period;

(b) introduce needs-based concessions under the family stream of the Migration Program for people who are sponsoring relatives in humanitarian need and are able to meet some, but not all, of the eligibility and documentation requirements for family visas; and

(c) conduct a consultation with refugee communities, practitioners involved in providing support with family reunion applications and other relevant stakeholders, to develop a process for assessing eligibility for the concessions referred to above.

**Recommendation 9 – Other measures to support family reunion**

The Australian Government should:

(a) significantly reduce existing processing times for family reunion applications;

(b) improve its procedures for communicating with visa proposers and applicants about progress with the processing of applications;

(c) restore funding for professional migration advice services under the Settlement Grants program;

(d) expand the no-interest loan scheme administered by the International Organization for Migration Extend and extend eligibility for the scheme to refugee and humanitarian entrants sponsoring relatives under the family stream of the Migration Program;

(e) review the definition of “family” used to assess and prioritise family reunion applications to bring it into line with the definition used in UNHCR’s Resettlement Handbook; and

(f) remove current restrictions on family reunion for refugees who arrived by boat.
Recommendation 10 – Exploring alternative migration pathways for refugees
The Australian Government should bring together representatives of business, the education sector, civil society, refugee communities and UNHCR to discuss alternative pathways for refugees to enter Australia, including through the skilled, student and family streams of the Migration Program.

Recommendation 11 – Mental health of people seeking asylum
The Australian Government and relevant State and Territory governments should
(a) as a matter of urgency, ensure adequate access to mental health services for people seeking asylum, especially those in detention; and
(b) convene an expert group to advise on the mental health of people seeking asylum.

Recommendation 12 – Transport concessions
State and Territory governments should, if they do not already, provide transport concessions for people seeking asylum.

Recommendation 13 – Granting of work rights
The Australian Government should:
(a) improve its communication and processing in relation to the grant of work rights, both to people seeking asylum and to prospective employers; and
(b) renew bridging visas for a minimum period of a year, in light of the projected timelines for refugee status determination.

Recommendation 14 – Status Resolution Support Services program
The Australian Government should:
(a) improve communication between service providers and relevant Australian Government agencies;
(b) review the usability and utility of the portal used in the Status Resolution Support Services (SRSS) program;
(c) review the SRSS program including, in particular, the issues of eligibility, the size of caseloads and the appropriateness of support available in the different bands including levels of contact and outreach; and
(a) review the complexity of the eligibility criteria for access to the program and different levels of support within the program.

Recommendation 15 – Access to legal advice and representation
The Australian Government should:
(a) ensure that all those in detention subject to the fast track processing are provided with full legal representation;
(b) provide a transparent mechanism for enabling people to provide information to support their need for government-funded legal representation; and
(c) immediately restore funding for legal advice and assistance for people who have arrived by boat.

Recommendation 16 – ‘Fast track processing’
The Australian Government should restore a single statutory system of refugee status determination for all regardless of the way they came.
If “fast track” processing is retained, the Australian Government should:
(a) improve its communication regarding key aspects of the scheme, including ensuring wide availability of information to people seeking asylum and those supporting them;
(b) include flexibility to extend timelines in cases of known vulnerability, such as for victims of torture and trauma, sexual violence and children;
(c) revise the complexity of application forms and ensure these are translated into community languages;
(d) provide clear guidance on evidence and identity documentation requirements, in consultation with UNHCR and country experts with expertise;
(e) invest resources to ensure timely processing of freedom of information requests;
(f) monitor, with the assistance of UNHCR, the quality of decision-making and interview processes; and
(g) publish timely information on the progress of fast track processing.

**Recommendation 17 – Immigration detention**

The Australian Government should:

(a) ensure that those in closed detention have adequate access to services and appropriate living conditions, including especially adequate access to health care including mental health services;
(b) improve communication and transparency in relation to detention of people on “character” or “behavioural” grounds;
(c) release refugees subject to prolonged indefinite detention, including those subject to adverse security assessments;
(d) adopt and enforce a policy to ensure alternatives to detention are considered to ensure immigration detention is used only as a matter of last resort; and
(e) amend legislation to ensure regular transparent review of detention and to prevent situations of indefinite detention.

**Recommendation 18 – Offshore processing and boat turnbacks**

The Australian Government should, as a matter of urgency, abandon the policy of offshore processing and boat turnbacks.

**Recommendation 19 – Temporary protection**

The Australian Government should abandon the reintroduction of temporary protection and convert all temporary visa into permanent protection visas.

If temporary protection is retained, the Australian Government should:

(a) ensure accurate and timely information is communicated to those applying for or granted temporary visas and to service providers;
(b) extend the period of transitional support provided under the SRSS following the grant of temporary visas;
(c) grant temporary visa holders access to services and benefits on the same basis as those with permanent protection visas, including in particular: settlement services, the National Disability Insurance Scheme, schemes to support entry to further education (such as Commonwealth Supported Places, access to loans and availability of income support);
(d) access to family reunion and travel overseas on the same basis as those with permanent visas; and
(e) the opportunity to apply for permanent residency upon expiry of their temporary visa.

**Recommendation 20 – Jobactive**

The Australian Government should:

(a) ensure adequate support and funding for the use of interpreters and bilingual caseworkers;
(b) require Jobactive providers to ensure staff are trained in cultural competency, including in the use of interpreters and cross-cultural communication, and ensure that this requirement is independently monitored or audited;
(c) review the process for assessing employment streams to ensure the appropriate identification and weighting of disadvantages experienced by refugee and humanitarian entrants;

(d) review the effectiveness of employment services in meeting the needs of refugee and humanitarian entrants with a view to encouraging the improvement of employment outcomes for people seeking asylum and refugees; and

(e) restore and increase funding to employment providers with expertise in working with refugee and humanitarian entrants.

**Recommendation 21 – Refugees with a disability**

The Australian Government should:

(a) ensure settlement agencies are given adequate and timely information about the health and disabilities of people being resettled;

(b) fund settlement agencies to provide support to newly arrived refugee and humanitarian entrants with disabilities;

(c) ensure that refugee and humanitarian entrants gain access to disability services, occupational therapists, specialist equipment and other required medical services in a timely way; and

(d) ensure that refugees with a disability who are resettled to Australia are able to receive access to Complex Case Support, immediate access to relevant medical and disability specialists and adequate accommodation on arrival.

**Recommendation 22– Citizenship delays**

The Australian Government should:

(a) improve its communication to those affected by delays, including explaining to those affected the reason for the delays; and

(b) expedite processing of citizenship applications as a matter of urgency.
2. INTRODUCTION

This report sets out community views on current and future challenges for Australia’s Refugee and Humanitarian Program in 2016-17. This report is informed by the ideas and expertise of individuals and organisations from across Australia – people who have settled here having survived the refugee journey, those who have applied for protection and representatives from many organisations and community groups involved in supporting asylum seekers, people from refugee backgrounds and other humanitarian entrants.

It is the 30th year in succession that RCOA has put forward a formal submission to the Australian Government on the structure and focus of the Refugee and Humanitarian Program. The consultation process for this submission was the most comprehensive to date, with 50 face-to-face consultations conducted with service providers and refugee community representatives in 17 cities and towns across eight states and territories between August and December 2015. The consultations were conducted in all capital cities – Adelaide, Brisbane, Canberra, Darwin, Hobart, Melbourne, Perth and Sydney – and in the following regional cities and towns: Albury, Beechworth, Geelong, Newcastle, Shepparton, Townsville, Wagga Wagga, Wodonga and Wollongong. Fifteen of these face-to-face consultations were held in regional areas. Three were focused specifically on women and two focused on young people. In addition, four consultations were held via teleconference. A call for contributions responding to a discussion paper and consultation questions was also circulated through RCOA’s networks and website. We received 12 written submissions. In January and February 2016, five additional direct consultations were held with peak bodies and organisations with specific expertise to gather more detailed views about the Refugee and Humanitarian Program.

In total, over 840 people, including representatives from more than 200 organisations, participated in the process. Participants included community members from at least 36 cultural and language groups: Afghan, Ahwazi, Assyrian, Bantu, Bhutanese, Burmese, Burundian, Cambodian, Chaldean, Chin, Congolese, Egyptian, Eritrean, Ethiopian, Hazara, Iranian, Iraqi, Kachin, Karen, Karenni, Kawang, Kurdish, Liberian, Mandaeans, Nigerian, Oromo, Palestinian, Rohingya, Rwandan, Sierra Leonean, Somali, South Sudanese, Sri Lankan, Sudanese, Syrian and Tamil. A list of consultation locations and participants can be found in Sections 8.2 and 8.3 of this report.

This submission was also informed by the many policy network meeting convened by RCOA in 2015 and by the organisation’s year-round involvement in other interagency gatherings and dozens of meetings with refugee community representatives. Information gathered in Australia was supplemented by perspectives gathered by RCOA through involvement in international networks such as the Asia Pacific Refugee Rights Network and participation in international meetings including UNHCR’s global NGO Consultations, the Annual Tripartite Consultations on Resettlement, UNHCR’s Executive Committee and Standing Committee meetings and the High Commissioner’s Dialogue on Protection Challenges.

This year’s consultations were guided by four key themes:

- International refugee needs;
- Australia’s Refugee and Humanitarian Program;
- Post-arrival settlement support; and
- Australia’s policies towards asylum seekers.

The consultations were conducted and the submission compiled principally by seven RCOA staff – Joyce Chia, Asher Hirsch, Rebecca Langton, Lucy Morgan, Louise Olliff, Paul Power and Eileen Wahab. However, this submission is the result of the collective efforts of many people. Forty-four agencies supported RCOA through organising and hosting consultations, inviting community members and service providers 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 also supported by a team of volunteers and interns: Belinda Chan, Chandni Dhingra, Hadi Haidari, Charlotte Inge, Kalia Rosia Laycock-Walsh, Karina Liu, Eleanor Martin, Georgia Rae-Cobon, Katherine Smith, James Tuang and Timothy Tucker.

Australia’s Response to a World in Crisis: Community views on the 2016-17 Humanitarian Program  page 13
3. INTERNATIONAL REFUGEE NEEDS

3.1. GLOBAL REFUGEE TRENDS

Ten years ago, there were 38 million people in the world displaced by conflict and persecution but UNHCR was helping over a million persons return home every year. Global refugee numbers were declining and old wars had recently been laid to rest … Today, there are more than 60 million refugees, asylum seekers and internally displaced persons worldwide as a result of conflict and persecution. Last year, 126,000 refugees were able to repatriate – that’s 11% of what we had in 2005. Fifteen new conflicts have broken out or reigned in the past five years, while none of the old ones got resolved… The world has changed in these ten years.

– António Guterres, UN High Commissioner for Refugees, at the 66th Session of UNHCR’s Executive Committee, 5 October 2015

The number of people forcibly displaced due to persecution, conflict, violence and human rights violations is now at the highest level ever recorded, according to the most recent Global Trends report published by the United Nations High Commissioner for Refugees (UNHCR). As at 31 December 2014, almost 60 million people were forcibly displaced, of whom 19.5 million were refugees and 1.8 million were asylum seekers. One in every 122 people in the world are now displaced from their homes. In addition, UNHCR estimates that at least 10 million people were affected by statelessness in 2014.

Table 1: Forcibly displaced people, 31 December 2014

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<thead>
<tr>
<th>Forcibly displaced people</th>
<th>Number displaced</th>
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</thead>
<tbody>
<tr>
<td>Refugees</td>
<td>19.5 million</td>
</tr>
<tr>
<td>Refugees under UNHCR’s mandate</td>
<td>14.4 million</td>
</tr>
<tr>
<td>Palestinian refugees under UNRWA’s mandate</td>
<td>5.1 million</td>
</tr>
<tr>
<td>Asylum seekers</td>
<td>1.8 million</td>
</tr>
<tr>
<td>Internally displaced people</td>
<td>38.2 million</td>
</tr>
<tr>
<td>TOTAL</td>
<td>59.5 million</td>
</tr>
</tbody>
</table>

On average, 42,500 people per day were forced to flee their homes due to conflict and persecution during 2014, a figure which has quadrupled over the past four years. More than half of the refugees under UNHCR’s mandate came from just three countries: Syria, Afghanistan and Somalia.

Table 2: Top ten countries of origin and asylum, 31 December 2014

<table>
<thead>
<tr>
<th>Rank</th>
<th>Country of origin</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Syria</td>
<td>3,883,585</td>
</tr>
<tr>
<td>2</td>
<td>Afghanistan</td>
<td>2,593,368</td>
</tr>
<tr>
<td>3</td>
<td>Somalia</td>
<td>1,106,068</td>
</tr>
<tr>
<td>4</td>
<td>Sudan</td>
<td>665,954</td>
</tr>
<tr>
<td>5</td>
<td>South Sudan</td>
<td>616,210</td>
</tr>
<tr>
<td>6</td>
<td>Dem. Rep. of the Congo</td>
<td>516,770</td>
</tr>
<tr>
<td>7</td>
<td>Myanmar</td>
<td>479,001</td>
</tr>
<tr>
<td>8</td>
<td>Central African Rep.</td>
<td>412,041</td>
</tr>
<tr>
<td>9</td>
<td>Iraq</td>
<td>369,904</td>
</tr>
<tr>
<td>10</td>
<td>Eritrea</td>
<td>363,077</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rank</th>
<th>Country of asylum</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Turkey</td>
<td>1,587,374</td>
</tr>
<tr>
<td>2</td>
<td>Pakistan</td>
<td>1,505,525</td>
</tr>
<tr>
<td>3</td>
<td>Lebanon</td>
<td>1,154,040</td>
</tr>
<tr>
<td>4</td>
<td>Iran</td>
<td>982,027</td>
</tr>
<tr>
<td>5</td>
<td>Ethiopia</td>
<td>659,524</td>
</tr>
<tr>
<td>6</td>
<td>Jordan</td>
<td>654,141</td>
</tr>
<tr>
<td>7</td>
<td>Kenya</td>
<td>551,352</td>
</tr>
<tr>
<td>8</td>
<td>Chad</td>
<td>452,897</td>
</tr>
<tr>
<td>9</td>
<td>Uganda</td>
<td>385,513</td>
</tr>
<tr>
<td>10</td>
<td>China</td>
<td>301,052</td>
</tr>
</tbody>
</table>

12 United Nations High Commissioner for Refugees (UNHCR) (2014). Global Trends 2014. [http://www.unhcr.org/556725e69.html](http://www.unhcr.org/556725e69.html). UNHCR began recording these figures at the end of World War II. Unless otherwise stated, figures in this section are drawn from this report.
Developing countries continue to host the vast majority of the world’s refugees, with 86% or 12.4 million people residing in developing countries in 2014. This is the highest number in more than two decades and compares to 70% a decade ago.

Securing durable solutions for refugees remains an ongoing challenge. Just 126,800 refugees returned home voluntarily during 2014, the lowest level of returns since 1983. Around 105,200 refugees were resettled, an increase on the 98,400 refugees who were resettled in 2014 but still a fraction of the hundreds of thousands of refugees estimated by UNHCR to be in need of resettlement. Around 45% of the refugees under UNHCR’s mandate – 6.4 million people – are living in protracted situations with little prospect of a solution in the near future.

The Mid-Year Trends report\textsuperscript{13} published by UNHCR in December 2015 reveals that forced displacement continued to grow during the first half of 2015, with at least five million people newly displaced within this period (4.2 million internally and 839,000 across international borders). As a result, it is likely that the total number of forcibly displaced people worldwide has now passed 60 million. Just 84,400 refugees were able to return home voluntarily during the first six months of 2015, with UNHCR predicting that the total number of returns over the year may be even lower than in 2014.

In the past year, the major displacement crises in the Middle East and Africa worsened, and several new crises in these regions emerged:

- Over 878,000 refugees were newly displaced from Syria into neighbouring countries. The number of registered Syrian refugees in Lebanon, Turkey, Jordan, Iraq, Egypt and North Africa grew from 3,718,001 on 31 December 2014 to 4,596,161 on 31 December 2015.\textsuperscript{14}
- The South Sudanese refugee population in the Ethiopia, Kenya, Sudan and Uganda grew by over 155,000, from 611,080 on 31 December 2014 to 766,729 on 31 December 2015.\textsuperscript{15}
- The number of refugees from the Central African Republic in neighbouring countries (Cameroon, Chad, Democratic Republic of Congo and Republic of Congo) also grew by over 150,000 during 2015, from 299,833 in December 2014 to 467,310 in January 2016.\textsuperscript{16}
- Over the course of the year, over 226,000 refugees from Burundi were forced to flee Burundi Tanzania, Rwanda, Democratic Republic of the Congo and Uganda;\textsuperscript{17} over 170,000 refugees from Yemen fled to Oman, Saudi Arabia, Djibouti, Somalia, Ethiopia and Sudan;\textsuperscript{18} and over 170,000 refugees from Nigeria fled to Niger, Cameroon and Chad.\textsuperscript{19}

3.2. REFUGEE PROTECTION CHALLENGES

There is an obvious link between growing numbers of people on the move and the struggle to create the protection space they require and deserve.

– Volker Turk, UNHCR Director of International Protection, at the 66th Session of UNHCR’s Executive Committee, 8 October 2015\textsuperscript{20}

3.2.1. Shortfall in humanitarian funding

The United Nations High Commissioner for Refugees is currently facing unprecedented shortfalls in funding. The agency’s financial requirements have nearly doubled over the past five years, yet contributions from government and private donors have not kept pace. As at December 2015, UNHCR’s funding needs for the 2015 calendar year stood at US$7.2 billion, yet it had received just

\begin{itemize}
\end{itemize}
US$3.2 billion – less than half of the amount required. In 2016, UNHCR estimates that its funding needs will total $6.5 billion, the largest budget the agency has ever presented at the beginning of the year.\(^\text{21}\)

Almost half (46%) of funding needs remain unmet in relation to the Syrian refugee situation, which currently represents the largest humanitarian response coordinated by UNHCR.\(^\text{22}\) The shortfall is even more acute for less high-profile humanitarian crises. The funding gap for UNHCR’s response to the Burundi situation, for example, stands at 65%;\(^\text{23}\) for the South Sudan situation the gap is 70%;\(^\text{24}\) and for the Central African Republic situation the gap is 80%.\(^\text{25}\)

This shortfall in funding has severely curtailed the capacity of humanitarian agencies to respond to the needs of ever-increasing numbers of displaced people. At the 2015 meeting of UNHCR’s Executive Committee, High Commissioner António Guterres reported that “the humanitarian system is financially broke. We are no longer able to meet even the absolute minimum requirements of core protection and lifesaving assistance to preserve the human dignity of the people we care for.”\(^\text{26}\)

During the year, for example, the World Food Program was repeatedly forced to cut assistance to Syrian refugees due to funding shortages.\(^\text{27}\) Evidence gathered by UNHCR later revealed that these cuts were one of the primary motivating factors for the increased movement of Syrian refugees towards Europe, as discussed further in the following section.

3.2.2. Refugees searching for their own solutions

Inadequate protection, deteriorating security conditions and lack of access to timely durable solutions have frequently compelled refugees to move on from countries in which they initially sought protection in an effort to find a solution elsewhere. In recent years, as global protection needs have escalated and the international community has failed to respond adequately, refugees have increasingly taken matters into their own hands by embarking on often perilous journeys in the hope of finding effective protection further afield.

A particularly dramatic example of this phenomenon occurred during 2015 with the movement of large numbers of refugees towards Europe, primarily by sea. Concerns about the dangers of flight by sea – whether across the Mediterranean, Gulf of Aden, Bay of Bengal or Indian Ocean – have been regularly raised in international discussions on refugee protection in recent years. For example, protection at sea was the focus of the 2014 High Commissioner’s Dialogue on Protection Challenges. The sheer scale of recent movement towards Europe, however, brought this challenge into particularly sharp relief over the course of 2015.

In 2014, a record number of around 219,000 refugees and migrants arrived in Europe by sea (indeed, this represented a trebling of the previous record). In 2015, arrivals skyrocketed to over one million, with more than 850,000 arriving in Greece alone.\(^\text{28}\)

While the people arriving in Europe have included both refugees and migrants, there is increasing recognition that the recent movement has been primarily humanitarian in nature. The top three countries of origin for people seeking asylum in Europe over the past year were Syria, Afghanistan

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\(^\text{26}\) Guterres 2015, Opening Remarks to the 68th Session of UNHCR’s Executive Committee.


and Iraq. These are, respectively, the first-, second- and tenth-largest refugee-producing countries in the world. All three countries also host very large numbers of internally displaced people, with Syria and Iraq hosting the first- and third-largest internally displaced populations in the world.

In many cases, those moving towards Europe had already been displaced for a significant period of time before making the decision to seek protection elsewhere. In relation to Syrian refugees in particular, UNHCR has identified seven key factors (based on evidence gathered through surveys, focus group discussions and its work in the field) which compelled many Syrians to move on to Europe:

- The loss of hope that a solution will be found to the conflict in Syria;
- High costs of living and deepening poverty in countries of asylum;
- Limited livelihood opportunities, with many refugees unable to work legally and forced to resort to informal employment (and thus risk exploitation and sanctions);
- Shortfalls in humanitarian assistance, with many refugees reporting that cuts to food assistance "were the last straw in their decision to leave the country";
- Barriers to renewing legal residency in countries of asylum;
- Limited education opportunities for children and young people; and
- Insecurity in Iraq, where a significant number of Syrians had previously sought asylum.

There are clear parallels between the experiences of Syrian refugees and those fleeing conflict and persecution in other parts of the world. There is little hope that conditions in most of the world’s major refugee-producing countries will be resolved in the near future. Poverty, limited livelihood opportunities, barriers to legal residency and limited education opportunities are typical experiences of refugees living in countries of asylum all over the world, particularly in Asia. Shortfalls in humanitarian assistance leave millions of refugees worldwide without adequate support to meet even their most basic needs. Deteriorating security conditions in countries such as Iraq and Pakistan have compelled many refugees who previously sought the protection of these countries to seek safety elsewhere.

In short, the movement of increasing numbers of refugees towards Europe is a symptom of the serious gaps in protection faced by many of the world’s refugees on a daily basis. As people continue to flee their homes in record numbers, and in the absence of a coordinated international response to address protection gaps, it is likely that refugees will continue to seek their own solutions despite the dangers involved.

3.2.3. Seeking a warm welcome but getting the cold shoulder

As global displacement has escalated, responses from both governments and communities have been mixed. Some countries have continued to keep their borders open to people seeking protection, often in spite of their limited capacity to provide support and in the face of large numbers of new arrivals. Turkey is perhaps the most prominent example, continuing to keep its borders open to Syrians despite already hosting over 2.7 million registered refugees. Many communities have also responded admirably to the needs of displaced people, often on a voluntary basis, such as those who have rescued people in peril at sea in Greece and Indonesia, provided assistance to refugees and migrants stranded in Calais and invited refugees into their homes in Jordan.

Other responses, however, have been far less welcoming, with some countries seeking to close their borders, implement punitive deterrence measures and shift responsibility for refugee protection onto other countries. Examples of these responses abound in Europe, from Hungary’s construction of a barbed wire fence along its border with Serbia, to Denmark’s new policy of seizing cash and}

valleys from people seeking asylum. There has also been a worrying rise in xenophobic sentiment in many European countries, escalating at times into violent attacks.

The conflation of the displacement crisis with concerns relating to national security and prevention of terrorism has further compounded xenophobic and anti-refugee sentiment in some countries. In the wake of the terrorist attacks in Paris in November 2015, for example, over 30 governors in the United States publicly opposed the settlement of Syrian refugees in their states on the basis of security concerns.32

Arguably the most troubling response to displacement which occurred during 2015 related to the movement of thousands of Rohingya refugees and Bangladeshi migrants across the Bay of Bengal and Andaman Sea. The United Nations High Commissioner for Refugees estimates that around 31,000 people embarked on perilous voyages across these waters during the first half of 2015, with over 1,100 people dying at sea. In May, following a crackdown on human trafficking networks in Thailand, thousands of people were abandoned by their smugglers and remained stranded at sea for weeks as countries in the region refused to allow them to disembark—a response described by the International Organization for Migration as “maritime ping-pong”. 33 At least 70 people are believed to have died on these stranded boats as a result of violence, starvation, dehydration or disease.34

Following a meeting on 20 May 2015 between the foreign ministers of Indonesia, Malaysia and Thailand, Malaysia and Indonesia agreed to provide “temporary shelter” to the people stranded at sea, provided their repatriation or resettlement was facilitated within one year.35 On 29 May, a Special Meeting on Irregular Migration in the Indian Ocean was convened to discuss responses to the crisis. The participating countries put forward seventeen recommendations for responding to the immediate needs of people stranded at sea, preventing smuggling and trafficking and addressing the root causes of movement.36 At the time of writing, however, the future of the refugees who were permitted to disembark in Indonesia and Malaysia remains uncertain.

Australia has also played a significant role in shifting responsibility for refugee protection in the Asia-Pacific region through maintaining its policy of turnbacks and refusing to consider certain groups of refugees for resettlement (notably Rohingya refugees and people who arrived in Indonesia after July 2014). These issues are discussed further in Section 5.

3.2.4. Addressing the root causes of displacement

In December 2015, in the final weeks of his 10½ year term as UN High Commissioner for Refugees, António Guterres hosted his eighth High Commissioner’s Dialogue on Protection Challenges, focusing on the topic: “Understanding and addressing root causes of displacement”.37 This event was significant as it was the first gathering of its kind to bring together states, UN bodies and civil society representatives to discuss the factors which cause displacement. Involving representatives of 86 states, 25 international bodies, 53 experts and 64 NGOs (including RCOA), the Dialogue explored the root causes of displacement caused by conflict, persecution, urbanisation and environmental factors, looking also at the drivers of onward movement and responses to protracted displacement.

In his opening remarks, Mr Guterres called for radical change in international efforts to address displacement:

As humanitarians, we are supposed to be the first responders – but we are at breaking point. There is no way that we can go on treating the symptoms while talking about curing the disease

35 Ibid.
37 Documents relating to the 2015 High Commissioner’s Dialogue on Protection Challenges are at http://www.unhcr.org/pages/55e4506b8.html
as if that were possible only in an ideal world. We must stop just dealing with the consequences of displacement and seriously start tackling its root causes.\textsuperscript{38}

The Dialogue included discussion of many factors of displacement, including: persecution, statelessness and other human rights violations; war and violence, including sexual violence; corruption, election-related violence and breakdowns in the rule of law; and urbanisation, water scarcity and environmentally-induced displacement. The UN’s Food and Agriculture Organization reported that climate change and population growth could see 40% of the world’s population living in regions of water scarcity by 2050 and that a 60% increase in global food production was needed over the next 35 years to prevent food shortages. There was also discussion of the global tendency towards deeper division in religious and political views, fuelled by a sense of religious or cultural superiority or by a sense of communal injustice which seeks retribution or redress, creating fundamental mistrust between groups of people.

Dialogue delegates discussed the need to move from crisis management to crisis resolution and prevention. A wide range of strategies were discussed, including:

- Education to promote respect for diversity and positive political leadership to avoid hate speech, to promote inter-communal dialogue and to support social cohesion;
- Providing greater international support to fragile states, promoting good governance, respect for human rights and the rule of law;
- Putting greater emphasis in development cooperation on the factors which create human mobility, developing policies and programs which aim to assist people to create a better future in their own countries;
- Promoting the role of women in peacebuilding and conflict resolution, with reference made to current discussion about the role of women in conflict resolution in South Sudan;\textsuperscript{39}
- Creating opportunities for UNHCR, civil society and private actors to take leadership in strategies to prevent displacement;
- Working with governments to resolve statelessness;
- Investing in helping people affected by climate change to stay, through investment in disaster risk reduction and resilience programs – or, as a matter of last resort, assisting people to move through planned relocation based on careful consultation with all involved;
- The active promotion of alternatives to military action in response to conflict or the threat of conflict, through diplomacy, financial, development, intelligence and prevention strategies;
- Abolishing the UN Security Council veto in relation to international crises where there is a serious risk of mass atrocities; and
- Ensuring that reconciliation and reconstruction occur after a conflict and that positive action is taken to stop countries from sliding further into conflict.

The efforts in Colombia to promote reconciliation after more than 50 years of civil war were highlighted as an example of a comprehensive approach to post-conflict trust-building. The Colombian Government has identified 7.7 million victims of the conflict, 85% of whom experienced forced internal displacement. The national reparations program – the largest ever undertaken, according to a recent study by Harvard University\textsuperscript{40} – includes financial compensation, restitution of land, psycho-social support and transitional justice.

The discussion at the High Commissioner’s Dialogue about more effective responses to protracted displacement noted that less than a quarter of displaced people move on from their region of origin. However, those who move on do so because of their inability to access rights, find durable solutions


or find economic security. Many of the world’s refugees find themselves in host countries which are not party to the Refugee Convention and where they struggle to get basic needs and rights met. Delegates spoke about the need to maximise possibilities for refugees to remain where they are by seeking recognition of their rights under other human rights instruments. For example, the conventions on torture, children’s rights, civil and political rights, statelessness and economic, social and cultural rights offer protection against *refoulement* as well as other key human rights such as the right to life, birth registration, nationality, education, adequate standard of living, basic healthcare, work and access to justice. Where local integration remains elusive and resettlement is unobtainable, other forms of planned movement should be considered, including humanitarian visas, labour mobility schemes, family reunification, student scholarships and entry for healthcare reasons.

Those facing the loss of their homeland as a result of climate change need options to migrate with dignity at a time of their choosing, through programs which facilitate movement across borders, skills training, work abroad or humanitarian visa options. Currently, no international agency has responsibility for facilitating such movement and no states which could receive climate change migrants have yet signalled interest in offering any of these options.

For refugees in protracted situations, Dialogue delegates noted that interim solutions can provide a path to long-term solutions, particularly if these solutions involve legal status, access to employment, education and healthcare, and if refugees themselves are involved in strategies which also include building better relationships with host communities. A positive example of engagement was provided by a representative of the Government of Turkey – a nation which is hosting more than two million Syrian refugees – who spoke about his government’s involvement as a co-chair of the Solutions Alliance.41 This is an initiative of governments, NGOs, UNHCR and other intergovernmental agencies to respond to selected protracted situations and to prevent other refugee situations from becoming protracted. The Solutions Alliance works on steps to improve the self-reliance and resilience of displaced people, recognising that refugees and the host country both lose if refugees are excluded from contributing to the economy of the host country. The Turkish representative emphasised the importance of working in ways which both protect the human rights of refugees and maintain protection standards.

Dialogue delegates spoke about the need for regional cooperation which goes beyond states” interests in reducing people smuggling and addresses the needs of displaced people by focusing on refugee protection, statelessness, conflict prevention and peacebuilding. At the request of NGO representatives, UNHCR Assistant High Commissioner for Operations, George Okoth-Obbo, nominated three recent examples of regional cooperation which provide constructive examples:

- The Addis Ababa Commitment Towards Somali Refugees42, signed in August 2014 by six states, UNHCR and four other intergovernmental bodies;
- The “Brazil Declaration: A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean” signed in Brasilia in December 2014 by 28 independent states and three territories, as part of the Cartagena +30 Process;43
- The Abidjan Declaration of ECOWAS Member States on Eradication of Statelessness, signed by 15 states in February 2015.44

In summing up the two days of discussion, Mr Guterres noted:

- The urgency of putting displacement on the governance agenda of the UN, all international and regional organisations and all states, with the goal of transforming early warnings about displacement into early action;
- The absolute need for political will and leadership, at the national and global level, to focus efforts on prevention, protection and solutions;

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41 For more information on the Solutions Alliance, see [http://www.endingdisplacement.org](http://www.endingdisplacement.org)
• The impact of “the failure of development” in triggering displacement through inequality, discrimination, poverty, unemployment (particularly youth unemployment) and lack of access to education and other public services, acknowledging the importance in the UN’s Sustainable Development Goals of “the notion that no one should be left behind”;

• The importance of community leadership – including the leadership of women – in preserving diversity, avoiding sectarian division, promoting social cohesion and creating understanding through education, noting that all societies are multi-ethnic, multi-religious and multicultural; and

• The need for a review of development cooperation policies to give priority to countries which are hosting large refugee communities, some of which are middle income countries and do not qualify for many forms of international development assistance, despite the vital role they are playing in contributing to global stability and security.

3.3. FEEDBACK ON CONDITIONS IN COUNTRIES OF ORIGIN AND ASYLUM

We don’t have anywhere and don’t have any support for our people. They are going to Pakistan, India, Turkey and some of them Asian countries like Indonesia. They don’t have anywhere to stay. They don’t have protection there.

– Former refugee, Brisbane

As in previous years, consultation participants raised a wide range of concerns about issues in other countries which affect people fleeing persecution, in relation to both the factors which compel flight and lack of access to effective protection for those who do flee. This feedback, which in many cases was provided by people who have personally experienced these conditions or are in regular contact with people currently living in these situations, is summarised below. While this is by no means an exhaustive overview of global protection challenges, this feedback does provide a valuable insight into current protection concerns in a number of situations.

3.3.1. Countries of origin

**Bhutan**

Bhutanese community representatives raised concerns about the ongoing marginalisation of the Nepalese-speaking minority in Bhutan, with participants in one consultation bemoaning Bhutan’s international reputation as a nation which prioritises “gross national happiness” – despite the fact that it had expelled one-fifth of its population in the 1990s and had since done nothing to right this injustice – and expressing concern about the lack of independent investigation (including media scrutiny) into restrictions on human rights.

**Burma**

Former refugees from Burma continued to express reservations about prospects for sustainable repatriation. Some noted that conflict had continued in parts of Burma, despite the signing of ceasefire agreements, and that security remained a significant concern. As explained by one former refugee now living in Melbourne: “Currently in the camp there are many people worried about that, because they heard there was peace in Burma, the peace happened but really it’s not a genuine peace.” Others noted that lack of access to property, livelihood opportunities and basic services such as education was likely to preclude sustainable return in the near future. In the words of a former refugee living in Brisbane, “A lot of the families, the refugees, haven’t got property in their home, Burma. So even if they go there, where are they going to live?” Ongoing concerns were also raised about the persecution of the Rohingya in Burma, including barriers to participation in political processes and the situation of the thousands of people who remain internally displaced in Rakhine State as a result of the communal violence that erupted in 2012.
**Ethiopia**

Several community representatives raised concerns about the persecution of the Oromo people in Ethiopia, including discrimination, restrictions on civil and political rights, land confiscation, politically-motivated arrests and imprisonment and targeted killings. It was alleged that the Ethiopian Government also targets Oromo people who flee the country, with the result that Oromo refugees may be in ongoing danger in countries of asylum. Concerns were raised about the lack of awareness of the situation of the Oromo people and limited access to resettlement opportunities for Oromo refugees.

**Iraq**

Concerns were raised about the escalation of violence in Iraq and the persecution of minorities such as Assyrians, Chaldeans and Syriacs. It was also noted, however, that members of minority groups are not the only ones at risk – in the words of an Iraqi community representative, “ISIS don’t target just Christians or Muslims or other minorities. They kill everyone in front of them.”

**Sri Lanka**

Community representatives in one consultation raised a range of concerns about the situation of the Tamil people in Sri Lanka, largely driven by the ongoing military occupation of the north and east of the country. Protection issues included restrictions on freedom of movement, land confiscation, sexual violence and abductions as well as limited livelihood opportunities and lack of access to basic services such as healthcare and education. It was felt that, despite the change in government in Sri Lanka, there had still been no real solution for the Tamil people and many remain at risk. As expressed by one Tamil community representative, “the water looks calm but underneath there are a lot of activities going on that you can’t see.”

**Other situations**

Concerns were also raised about the further deterioration of security conditions in Afghanistan, including violent attacks against Afghan Hazaras; the ongoing conflict in the Democratic Republic of the Congo and the need for greater international action to address the violence; open-ended military service and lack of awareness about the human rights situation in Eritrea; persecution in Iran, including executions and restrictions on freedom; persecution and marginalisation of the Somali Bantu people in Somalia and the lack of international awareness of their situation; and the ongoing civil war in Syria and inadequate humanitarian assistance for those who are internally displaced.

### 3.3.2. Countries of asylum

**Bangladesh**

In one consultation, representatives from the Rohingya community raised concerns about lack of access to registration for people seeking asylum in Bangladesh, which could in turn result in detention and limited or no access to resettlement and family reunion opportunities.

**India**

Representatives from both Burma and the Sri Lankan Tamil community raised issues relating to conditions in India, including the lack of long-term protection and security (such as barriers to accessing long-term residency and citizenship rights, even for those who have been living in the country for decades) and exploitation in employment.

**Indonesia**

Several consultation participants raised concerns about conditions for people seeking asylum or awaiting resettlement in Indonesia, including detention, harassment, limited access to basic services and prolonged waiting times for resettlement.

**Kenya**

Concerns were raised about lack of access to registration and lack of security in refugee camps in Kenya. Specific concerns were raised by one community representative about discrimination against Somali Bantu people in camps.
Malaysia
Participants in several consultations provided feedback about protection conditions in Malaysia, including restrictions on access to registration, prolonged waiting times for appointments with UNHCR (with one service provider reporting that people being “given an [initial] appointment two years down the track”), limited access to basic services such as education and healthcare and detention due to lack of legal status.

Nepal
Bhutanese community representatives in one consultation expressed concerns about negative coping strategies (such as excessive alcohol consumption and drug use), violence and lack of access to education in refugee camps in Nepal.

Pakistan
Participants in a number of consultations raised concerns about conditions in Pakistan, including security conditions in Quetta and targeted killings of Hazara refugees (which can in turn hamper access to registration with UNHCR), discrimination, unexplained rejections of asylum applications and lack of adequate funding for UNHCR to keep up with demand for registration.

Countries neighbouring Syria
Some concerns were raised about conditions for Syrian refugees in Jordan, Lebanon and Turkey, including lack of access to basic services such as education and healthcare and poverty resulting from limited livelihood opportunities and high costs of living. In a written submission, one consultation participant summed up the situation thus: “They have suffered in their home countries, only to find it harder to live [and] access food and shelter in the neighbouring countries.”

Thailand
A significant amount of feedback was received on conditions in Thailand. These included concerns relating to the reduction in humanitarian aid for people living in camps, resulting from the perception that conditions in Burma are improving. Other concerns included exploitation in employment and risks of detention due to illegal work; and restrictions on freedom of movement and access to registration. The protracted nature of the displacement was also raised with one participant noting that many people have grown up in the refugee camps, married and had children before being given the opportunity to resettle in Australia.

Other situations
Feedback was also received about a range of other countries of asylum, including: lack of support and risk of deportation for refugees in Burundi; general concerns about the situation for Afghan refugees in Iran; the treatment of African refugees in Israel; appalling conditions of detention in Malta; and violence against refugees in Saudi Arabia. General feedback was also received about difficulties in accessing registration in countries of asylum (due to factors such as corruption, lack of resources and inaccessibility of UNHCR offices) and inadequate humanitarian assistance for people living in refugee situations (including access to adequate food, water, shelter, education, healthcare services and livelihood opportunities). Some cited this inadequate support as a significant factor compelling refugees to undertake risky journeys further afield in a bid to find protection elsewhere.

3.3.3. Access to resettlement
When discussing protection issues in countries of origin and asylum, a large number of participants in consultations across the country raised concerns relating to process of applying for resettlement. Many participants highlighted a range of barriers encountered by refugees throughout the resettlement process which, even if seemingly minor, could hamper or even wholly prevent access to resettlement. The following paragraph from a written submission provides several typical examples of such barriers:

A panel doctor in Iran refuses to transfer a family’s medical results to the embassy, significantly delaying the issuing of an Australian visa. UNHCR staff in Pakistan visit the home of a client, granted an Australian visa and demand a payment of gratitude. UNHCR staff in certain areas favour, i.e. grant protection, to one ethnic/religious group over another. Shiite asylum seekers are interrogated and ridiculed over their religion by Sunni UNHCR officers. Clients are unable to get
a travel permit to attend their medical on time. People are not properly counselled on the future consequences of missing a child off their application. Responses from embassy staff with regards to SHP [Special Humanitarian Program] applications demonstrate the case officer hasn’t read the application properly; correspondence from the embassy has been addressed to the wrong person; retrieved UNHCR and embassy records, through FOIs, reveal that significantly incorrect assumptions have been made by UNHCR staff and then carried over by embassy staff. This has resulted in the application being inadmissible.

Similar barriers highlighted by other participants included the types of questions asked during interviews, the complexity of application forms and lack of access to legal assistance. The manner in which resettlement referrals are sought was also seen to be a barrier in some cases. For example, a service provider in Melbourne noted that resettlement referrals were often primarily sought from refugee camps rather than urban areas, effectively excluding large numbers of people. Another service provider in Sydney provided the example of a public meeting on resettlement held in a remote area of Ethiopia: “Who turns up? Men, strong people who could speak English...Women, children, they are not able to go. So that is the kind of people who end up coming to Australia.” For some refugees, lack of access to registration and refugee status determination can also preclude resettlement. Several former refugees from Burma, for example, shared stories of people being unable to settle, being forced to leave family members behind or being unable to sponsor relatives for resettlement due to restrictions on access to registration for refugees in Thailand.

Several participants shared stories of corruption, fraud and unfairness in the resettlement process, including: officers accepting or demanding bribes to process or accelerate resettlement applications; people using contacts to facilitate access to resettlement; and individuals dishonestly claiming to be from a particular ethnic group in order to access resettlement. Even in cases where this conduct had been addressed (such as through the removal of the offending officer), it could nonetheless have a significant impact on access to resettlement. For example, those who could not afford to pay bribes or who did not have the right contacts could have their applications delayed or refused.

The prolonged waiting time faced by many refugees for resettlement, typically running into years or even decades, was raised as a concern in several consultations, with a number of former refugees described their agonising wait for resettlement while living under extremely difficult conditions in countries of asylum. Others expressed confusion and exasperation about resettlement applications being refused, at times for reasons that were unclear to the person applying. The statement below by a former refugee living in Melbourne, describing the protracted process of seeking resettlement from Malaysia, encapsulates the frustration voiced by many consultation participants:

In 2008 it took me personally 2½ years for UNHCR to grant me refugee status in Malaysia and now… [the waiting time] for the very first appointment it’s more than two years. So you've got an initial appointment, then you come for the refugee status determination process … then if yes, there is another process … what they call the resettlement appointment, then you wait until UNHCR sends your application to an embassy or somewhere else. So it can take somewhere on average up to nine to ten years at least in Malaysia. No wonder people get on boats.

A few participants raised concerns about the lack of choice afforded to refugees with regards to their resettlement location. A former refugee living in Melbourne, for example, described applying for resettlement in Australia but instead being referred to Finland. A community representative in Sydney noted that refugees may feel compelled to accept resettlement in a particular country because it may be their only chance to resettle, even if they would prefer to resettle somewhere else, with the result that family members could be separated.

Finally, while the majority of feedback on resettlement issues related to countries of asylum, a couple of consultation participants noted the difficulties faced by people still within their country of origin in accessing resettlement. In the words of an Iraqi community representative, “They tell us you can’t apply as refugee unless you leave your country. But how can you leave your country if you don’t have money, house, passport? ...You should be given the option to apply as a refugee in country because you don’t have anything."
3.3.4. Specific protection issues for young people

In 2016, the theme of the annual UNHCR-NGO Consultations will be *Refugee youth and adolescents* and global refugee youth consultations will be taking place in the lead-up to the meeting.\(^{45}\) The focus of these consultations will be on better understanding and responding to the specific needs of refugee young people at an international level (e.g. in refugee camps and urban settings, through refugee status determination processes and in situations of return, integration or resettlement). To better inform RCOA’s contributions to these consultations, we sought feedback on how the international refugee system can better respond to the particular needs of young people.

The concern that was most commonly raised by those who provided feedback on this issue was access to education and training. It was felt that education had multiple benefits for young people: providing a sense of purpose while living in exile, improving access to livelihood opportunities and facilitating a smoother transition for those who have the chance to pursue formal education in the future (for example, after being resettled). Several participants argued that providing education would have benefits for young people and the communities in which they settle, regardless of whether they return home, remain in the country of asylum or resettle elsewhere. A service provider in Sydney, for example, noted that providing education to young people living in refugee situations could result in better settlement outcomes for those who are eventually resettled: “Putting the resources into education while children are waiting in camps can also be looked upon as putting [a] foundation in there for a later date and you can really see the rewards further down the track.” A couple of participants also highlighted the need for specific human rights education for young people.

Access to adequate health care (including mental health services) was also raised as a significant issue for young people by a number of consultation participants. As noted by a service provider in Sydney, “they might have a lot of undetected issues which if not addressed early can become more complex later on.” A service provider in Perth also noted the importance of ensuring adequate nutrition for young children to prevent developmental delays.

3.4. AUSTRALIA’S ROLE IN REFUGEE PROTECTION

*I want to give an example, a successful story in the refugee camp. When I went to the refugee camp, I spoke French, I couldn’t speak a word of English. In the refugee camp, they give us training, like they do here in Australia … and when I became a migrant here in Australia, it made me successful … I did a Bachelor’s of Social Science because I had the training at the camp to push me ahead. But if I didn’t get anything there, no English, it would be hard.*

– Former refugee from the Democratic Republic of the Congo, Sydney

3.4.1. Australia’s contributions during 2015

Australia continued to make an important but relatively small contribution to global refugee protection in 2014. While our resettlement program remains the third highest in the world and the highest per capita, Australia received just 0.24% of the world’s asylum claims.

<table>
<thead>
<tr>
<th></th>
<th>Global total</th>
<th>Australian total</th>
<th>Australia’s share</th>
<th>Overall rank</th>
<th>Per capita</th>
<th>To total GDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugees under UNHCR mandate</td>
<td>14,380,094</td>
<td>35,582</td>
<td>0.25%</td>
<td>50</td>
<td>67</td>
<td>84</td>
</tr>
<tr>
<td>Asylum applications received in 2014</td>
<td>3,682,041</td>
<td>8,988</td>
<td>0.24%</td>
<td>40</td>
<td>49</td>
<td>75</td>
</tr>
<tr>
<td>Asylum applications pending, 31 December 2014</td>
<td>1,796,310</td>
<td>21,518</td>
<td>1.20%</td>
<td>16</td>
<td>24</td>
<td>55</td>
</tr>
<tr>
<td>Asylum seekers recognised as refugees, 2014</td>
<td>3,262,960</td>
<td>2,780</td>
<td>0.09%</td>
<td>37</td>
<td>46</td>
<td>62</td>
</tr>
<tr>
<td>Refugees resettled from other countries, 2014</td>
<td>105,197</td>
<td>11,570</td>
<td>11.00%</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Refugees recognised, registered or resettled, 2014</td>
<td>3,368,157</td>
<td>14,350</td>
<td>0.43%</td>
<td>22</td>
<td>27</td>
<td>43</td>
</tr>
<tr>
<td>Refugees recognised, registered or resettled, 2005-14</td>
<td>12,107,623</td>
<td>141,047</td>
<td>1.16%</td>
<td>23</td>
<td>27</td>
<td>46</td>
</tr>
<tr>
<td>Refugees under UNHCR mandate</td>
<td>14,380,094</td>
<td>35,582</td>
<td>0.25%</td>
<td>50</td>
<td>67</td>
<td>84</td>
</tr>
</tbody>
</table>

\(^{45}\) For more information about the consultations, see [http://www.yaegroup.org/global-refugee-youth-consultations.html](http://www.yaegroup.org/global-refugee-youth-consultations.html)

\(^{46}\) UNHCR 2015, *Global Trends 2014*. 

Australia’s Response to a World in Crisis: Community views on the 2016-17 Humanitarian Program page 25
When the protection of refugees through asylum processes and the further protection of refugees through resettlement are considered together, Australia ranked 22nd overall, 27th on a per capita basis and 46th relative to national gross domestic product (GDP).

In the 2015-16 Federal Budget, the Government allocated $106.3 million to United Nations humanitarian agencies (a cut of 5% compared to the 2014-15 financial year), including $20 million to UNHCR and $19.3 million to the United Nations Relief and Works Agency for Palestine Refugees. The International Committee of the Red Cross and Red Crescent was allocated $25.3 million. In the Mid-Year Economic and Fiscal Outlook, the Government allocated an additional $44.0 million to “deliver food, water, healthcare, education, emergency supplies and protection, including support for women and children” to more than 240,000 displaced people from Iraqi and Syria.

3.4.2. Feedback from consultation participants

As well as nominating possible priorities for Australia’s resettlement program (see Section 3.5), consultation participants identified a range of other strategies which Australia could adopt to respond to protection challenges.

Several participants saw a role for Australia in advocating at an international level to address protection issues and assist in resolving conditions which lead to displacement. This could include, for example, placing diplomatic pressure on refugee-producing countries to protect their citizens and on countries of asylum to uphold principles of refugee protection; holding to account perpetrators of human rights violations and those who support them; and encouraging other countries to introduce resettlement programs. A representative from the Tamil community, for example, suggested that advocating with the Sri Lankan Government to demilitarise the north and east of the country could pave the way for voluntary repatriation; and a service provider in Sydney proposed that Australia actively encourage Bangladesh to allow refugees to be resettled out of the country. A few participants also noted that Australia does not have an embassy in key countries of refugee origin (such as the Democratic Republic of the Congo and South Sudan), potentially hampering the development of diplomatic relationships which could in turn assist in resolving protection issues.

Many participants also saw potential for Australia’s aid and development program to play a more significant role in addressing protection challenges. In countries of origin, it was suggested that Australia could support peacebuilding and rehabilitation programs and projects to generate livelihoods so as to prevent future displacement and create conditions conducive to sustainable repatriation. Several participants also called for additional humanitarian aid to meet the basic needs of people in situations of displacement (such as food, water, shelter, education and healthcare). Some noted that addressing these needs while people are displaced not only ensures a decent standard of living while in exile but can also enhance settlement outcomes when a longer-term solution is found. A community representative in Sydney, for example, highlighted the role of English language tuition in supporting positive settlement outcomes for refugees who are resettled in Australia:

They have some [English courses] in Lebanon, I can see the difference. I noticed the difference between the ones who have attended these courses and the ones who haven’t. They have the language to at least communicate when they arrive and they can go by themselves and be independent. It really was very helpful.

For several years, RCOA has received feedback from former refugees about the important role of remittances in assisting displaced communities overseas and supporting development and reconstruction in countries of origin. These comments were echoed in this year’s consultations, with a representative from the South Sudanese community providing this practical example of the critical role remittances can play in the lives of displaced people:

In the case of South Sudan, the recent war in December, especially the area I came from ... no one died from hunger. All the people who died, died from gunshot. But in 1992 a lot of people

died from hunger because no one was able to transport them. But when this war happened, most people in diaspora sent money in to transport people out of there into displaced camps, into refugee camps, and give them something to eat … That is a force to be reckoned with.

A representative from the Tamil community similarly noted the role of remittances in supporting reconstruction in Sri Lanka:

The Tamil community here and diaspora around the world are funding a lot of projects. Not the governments of the country but the people. They say that the people who are living in diaspora or living outside their country are the people who are actually building the third world, not international aid.

The need for greater regional cooperation on refugee protection in Asia-Pacific was raised by a number of participants, who pointed to the need for larger-scale solutions which cannot be achieved by any single country acting alone. The following comment from a service provider in Melbourne was typical of this kind of feedback:

Australia should participate with all other neighbouring countries to hold regular meetings to discuss about the asylum seeker and refugee problems because this is an ongoing and global problem. This is not just Australia’s problem, this is the world’s problem; therefore I believe all our neighbouring nations would also have something to contribute to improve the situation.

While participants did see potential for Australia to play a positive role in cooperative regional arrangements, a few also noted that our current policies hamper our capacity to engage constructively with other countries in the region on protection issues. A participant in Canberra, for example, noted that “many Asian leaders took up the “nope, nope, nope” attitude during the Rohingya boat crisis in 2015.

3.5. SETTING PRIORITIES FOR AUSTRALIA’S RESETTLEMENT PROGRAM

The projected number of refugees in need of resettlement has reached one million for the first time since reporting of resettlement needs began over 30 years ago. Despite the growth in the number of resettlement states, and the generous commitment of places for the humanitarian admission of Syrian refugees, resettlement needs continue to vastly outnumber the 80,000 places made available by states.

– UNHCR Projected Global Resettlement Needs 2016

3.5.1. Recent trends in refugee resettlement

In June 2015, UNHCR released two documents assessing recent and future trends in refugee resettlement – UNHCR Resettlement Trends 2015 and UNHCR Projected Global Resettlement Needs 2016. These documents showed that 105,197 refugees were resettled in 2014, 73,008 through referral from UNHCR processes and the remainder through other referral pathways including Australia’s Special Humanitarian Program. Of the refugees who departed for resettlement in 2014 after referral by UNHCR:

- The key countries of origin were Burma (17,595), Iraq (10,985), Somalia (9,913), Bhutan (8,395), Syria (6,854), Democratic Republic of Congo (6,216), Afghanistan (3,331), Iran (2,536), Eritrea (2,356) and Colombia (975).
- The key countries of asylum were Malaysia (10,976), Turkey (8,944), Nepal (8,582), Thailand (7,170), Lebanon (6,285), Kenya (4,913), Ethiopia (4,514), Jordan (3,290), Rwanda (2,569) and Syria (1,889).
- The key countries of arrival were United States (48,911), Canada (7,233), Australia (6,162), Germany (3,467), Sweden (1,497), Norway (1,188), Finland (1,011), Netherlands (743), New Zealand (632) and United Kingdom (628).

UNHCR made 103,890 resettlement submissions in 2014 – 35,079 from Africa (34%), 27,450 from Asia-Pacific (26%), 23,169 from the Middle East and North Africa (22%), 16,392 from Europe [predominantly Turkey] (16%) and 1,800 from the Americas (2%).

Resettlement states accepted 91% of UNHCR’s resettlement submissions, with acceptance rates highest for refugees from Bhutan (99%), Burma (98%), Burundi (98%), Democratic Republic of Congo (95%) and Eritrea (94%). The acceptance rates were lowest for refugees from Sri Lanka (69%), Colombia (71%), Palestine (72%), Ethiopia (75%) and Afghanistan (81%). Of the refugees referred for resettlement in 2014, 33.6% were referred because of legal and physical protection needs, 26.2% because of lack of foreseeable alternative durable solutions, 22.3% because they were survivors of violence and/or torture, 12.7% because they were women and girls at risk, 2.5% for medical reasons, 1.4% to facilitate family reunion and 1.2% because they were children or adolescents at risk.

### 3.5.2. Global resettlement needs identified by UNHCR

In its *Projected Global Resettlement Needs 2016*, UNHCR has nominated 1,153,296 refugees in priority need of resettlement – a 22% increase on the previous year. This is the first time that this resettlement projection has exceeded one million, reflecting the dramatic increase in refugees under UNHCR’s mandate. Over each of the past five years, UNHCR has nominated around 8% of the world’s refugees as being in priority need of resettlement. However, the proportion of refugees who gain access to resettlement remains less than 1%.

Just over 40% of all refugees identified as being in need of resettlement reside in just four countries in the Middle East – Turkey, Lebanon, Jordan and Iraq. However, resettlement needs remain high in other regions, with the Africa region (particularly Chad, Kenya, Ethiopia and Tanzania) making up 34% of the total need identified by UNHCR and Southwest Asia (predominantly Iran and Pakistan) making up 10%.

In *Projected Global Resettlement Needs 2016*, UNHCR anticipated that it would refer just under 10% of refugees in need of resettlement to resettlement states. This was based on indications in June 2015 that resettlement states would have up to 83,000 resettlement places available for UNHCR referral in 2016. However, the resettlement submissions target may well be exceeded in light of significant increases in resettlement quotas for Syrian refugees since then.

**Table 4: UNHCR projected resettlement needs for 2016, by region of asylum**

<table>
<thead>
<tr>
<th>Region or sub-region of asylum</th>
<th>2016 projected resettlement needs</th>
<th>UNHCR submissions planned for 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Africa and Great Lakes</td>
<td>124,806 10.8%</td>
<td>14,460 13.0%</td>
</tr>
<tr>
<td>East and Horn of Africa</td>
<td>225,724 19.6%</td>
<td>26,098 23.4%</td>
</tr>
<tr>
<td>Southern Africa</td>
<td>22,337 1.9%</td>
<td>4,270 3.8%</td>
</tr>
<tr>
<td>West Africa</td>
<td>19,072 1.7%</td>
<td>1,691 1.5%</td>
</tr>
<tr>
<td>Africa total</td>
<td>391,939 34.0%</td>
<td>46,519 41.8%</td>
</tr>
<tr>
<td>Americas total</td>
<td>7,492 0.6%</td>
<td>1,215 1.1%</td>
</tr>
<tr>
<td>East Asia and the Pacific</td>
<td>46,359 4.0%</td>
<td>11,538 10.4%</td>
</tr>
<tr>
<td>Southwest Asia</td>
<td>113,900 9.9%</td>
<td>2,500 2.2%</td>
</tr>
<tr>
<td>South Asia</td>
<td>9,300 0.8%</td>
<td>1,840 1.7%</td>
</tr>
<tr>
<td>Asia total</td>
<td>169,559 14.7%</td>
<td>15,878 14.3%</td>
</tr>
<tr>
<td>South-Eastern Europe</td>
<td>214,502 18.6%</td>
<td>20,450 18.4%</td>
</tr>
<tr>
<td>Eastern Europe</td>
<td>470 0.0%</td>
<td>470 0.4%</td>
</tr>
<tr>
<td>Europe total</td>
<td>214,972 18.6%</td>
<td>20,920 18.8%</td>
</tr>
<tr>
<td>Middle East</td>
<td>313,226 27.2%</td>
<td>22,005 19.8%</td>
</tr>
<tr>
<td>North Africa</td>
<td>56,108 4.9%</td>
<td>4,860 4.4%</td>
</tr>
<tr>
<td>Middle East and North Africa total</td>
<td>369,334 32.0%</td>
<td>26,865 24.1%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,153,296</td>
<td>111,397</td>
</tr>
</tbody>
</table>

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As the Australian Government’s planning for the Refugee and Humanitarian Program is based on the country of origin rather than the country of asylum, RCOA has reviewed UNHCR’s resettlement projections in light of this. Around 44% of refugees nominated as being in need of resettlement originate from the Middle East (predominantly Syria and Iraq), 39% from Africa (from more than 20 countries of origin including Democratic Republic of Congo, Somalia, Sudan, Eritrea and Central African Republic) and around 15% from Asia (particularly Afghanistan and Myanmar).

Table 5: UNHCR projected resettlement needs for 2016, by region of origin

<table>
<thead>
<tr>
<th>Region or sub-region of origin</th>
<th>Total 2016 projected resettlement needs</th>
<th>UNHCR submissions planned for 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Africa and Great Lakes</td>
<td>164,488 14.3%</td>
<td>24,140 21.7%</td>
</tr>
<tr>
<td>East and Horn of Africa</td>
<td>251,512 21.8%</td>
<td>21,787 19.6%</td>
</tr>
<tr>
<td>Southern Africa</td>
<td>60 0.0%</td>
<td>30 0.0%</td>
</tr>
<tr>
<td>West Africa</td>
<td>27,601 2.4%</td>
<td>1,403 1.3%</td>
</tr>
<tr>
<td>Africa total</td>
<td>443,661 38.5%</td>
<td>47,360 42.5%</td>
</tr>
<tr>
<td>Americas total</td>
<td>7,108 0.6%</td>
<td>1,015 0.9%</td>
</tr>
<tr>
<td>Central Asia</td>
<td>120 0.0%</td>
<td>120 0.1%</td>
</tr>
<tr>
<td>East Asia and the Pacific</td>
<td>46,732 4.1%</td>
<td>10,460 9.4%</td>
</tr>
<tr>
<td>South Asia</td>
<td>740 0.1%</td>
<td>210 0.2%</td>
</tr>
<tr>
<td>Southwest Asia</td>
<td>121,397 10.5%</td>
<td>7,853 7.0%</td>
</tr>
<tr>
<td>Asia total</td>
<td>168,989 14.7%</td>
<td>18,643 16.7%</td>
</tr>
<tr>
<td>Middle East</td>
<td>503,289 43.6%</td>
<td>40,120 36.0%</td>
</tr>
<tr>
<td>North Africa</td>
<td>10 0.0%</td>
<td>5 0.0%</td>
</tr>
<tr>
<td>Middle East and North Africa total</td>
<td>503,299 43.6%</td>
<td>40,125 36.0%</td>
</tr>
<tr>
<td>Various</td>
<td>30,239 2.6%</td>
<td>4,254 3.8%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,153,296 97.5%</td>
<td>111,397 97.5%</td>
</tr>
</tbody>
</table>

3.5.3. Priority needs identified through international dialogue

The main international forum to discuss refugee resettlement needs and priorities is the Annual Tripartite Consultations on Resettlement (ATCR), which brings together government and NGO representatives from countries involved in resettlement with senior officials of UNHCR, the International Organization for Migration and other international bodies. The 2015 ATCR, held in Geneva from 29 June to 1 July, opened with UN High Commissioner for Refugees, António Guterres, emphasising the importance of resettlement in a world in which durable solutions were in such short supply. Mr Guterres said that, despite financial cutbacks, UNHCR would continue to invest in resettlement and options to increase opportunities for safe voluntary repatriation of refugees.

The ATCR highlighted the compelling need for international action to: support countries hosting large numbers of refugees displaced by the civil wars in Syria and Iraq; continue to respond to protracted displacement crises in Africa and Asia; respond more effectively to refugees in emergency situations; prioritise resettlement for refugees in situations of greatest vulnerability; and explore alternative forms of admission to traditional resettlement.

Priority refugee situations: Over the past five years, the ATCR and its Working Group on Resettlement (which meets on an ad hoc basis between each ATCR) has focused on a number of priority refugee situations for collective action. In each case, a core group or contact group has been developed to bring together resettlement and host states and key UNHCR officials to investigate how resettlement can be used most effectively and how other durable solutions can be developed. It was agreed to continue the work of the core or contact groups for five of the six nominated refugee situations:

- Afghan refugees in Iran and Pakistan;
- Congolese refugees in Burundi, Rwanda, Tanzania and Uganda;
- Iraqi refugees in Egypt, Jordan, Lebanon, Syria and Turkey;
- Somali refugees in Kenya; and

53 Calculated by RCOA from statistics in the more detailed version of UNHCR Projected Global Resettlement Needs 2016 circulated to delegates of the 2015 Annual Tripartite Consultations on Resettlement.
Syrian refugees in Egypt, Iraq, Jordan, Lebanon and Turkey.

For the sixth priority situation, that of Colombian refugees in Ecuador, it was agreed to shift the contact group to a resettlement network coordination mechanism and instead take up the situation of Eritrean refugees in Ethiopia and Sudan as a new priority situation with the establishment of a new core or contact group. For each priority situation, UNHCR asked resettlement states for more multi-year commitments, to enable better planning of resettlement strategies.

**Middle East region:** The ATCR discussed the critical need to offer significant numbers of resettlement places for Syrian and Iraqi refugees in view of the pressure on key states collectively hosting more than four million refugees. It was acknowledged that traditional coping mechanisms were being pushed to breaking point and that many refugees in the region were traumatised, including people who had escaped brutal conflicts for the second or third time. Delegates discussed the situation of many groups, including Palestinian refugees who had been forced to flee Syria and Iraqi Palestinians who had fled to Syria some years ago and now found themselves trapped in the current conflict.

**Africa:** Discussion about the situation in East Africa, the Horn of Africa and the Great Lakes Region highlighted the scale of displacement, with UNHCR attempting to respond to the needs of 11.8 million people of concern (refugees and internally displaced people). As noted, the situation of Eritrean refugees was taken up as a priority concern, with 363,000 Eritrean refugees now spread across 56 countries. Of these, 235,000 are in Ethiopia and Sudan, often in very difficult living conditions. During 2014, the number of Eritrean asylum seekers in Europe tripled as many teenagers and young adults moved on to Europe, more than 48,000 travelling by boat to Italy. With 392,000 refugees being nominated as being in need of resettlement from Africa in 2016, UNHCR appealed for support from a wider number of resettlement nations, noting that the United States and Canada between them received 92% of all refugees resettled from Africa. A particular plea was made by UNHCR for Somali refugees, caught up in Africa's largest protracted refugee situation but given too little priority by resettlement states.

**Asia:** Similar concerns were expressed for Afghan refugees in Pakistan and Iran who, despite being part of a protracted situation involving more than 2.5 million refugees and spanning 35 years, have seen fewer than 25,000 of their number benefit from resettlement through UNHCR processes over the past decade. UNHCR emphasised the importance of continued resettlement of Afghans to address the needs of large numbers of refugees in extremely vulnerable situations (including a significant number with unmet medical needs) and to alleviate pressure on host countries. The situation of the most vulnerable Rohingya refugees in South East Asia was also compelling. Resettlement was much needed as a protection tool for survivors of trafficking, witnesses to trafficking abuses, victims of sexual and gender-based violence and children at risk of exploitation. UNHCR is currently resettling fewer than 100 Rohingya refugees from Thailand and none from Indonesia, with the number of Rohingya resettled from Malaysia (mostly to the United States) totalling about 9,000 over the past decade. UNHCR is appealing to resettlement nations for greater support, while also seeking forms of temporary protection and labour options for less vulnerable refugees to be able to remain in middle income countries such as Malaysia and Thailand.

**Refugees in emergency situations:** UNHCR appealed also for greater engagement by resettlement states in assisting refugees caught up in emergency situations in countries to which they had fled. Refugees have suffered terribly in the emergencies over the past two years in Iraq, Syria, South Sudan, Central African Republic and Yemen. This highlighted the need for an increase in emergency places, for continued and increased commitment to continuing resettlement processing in high-risk environments and for expedited resettlement procedures to reduce the time refugees are required to wait before departure.

**Priority for the most vulnerable:** In his summary of resettlement strategies, UNHCR Assistant High Commissioner for Protection, Volker Turk, spoke about the valuable role resettlement continued to play in protecting people at greatest risk in refugee situations, including survivors of violence or torture, gay and lesbian refugees and unaccompanied and separated children. He put the case for resettlement states to give higher priority in resettlement for refugees with disabilities, many of whom struggle to get basic levels of access or medical care. Protection issues for the growing number of refugee children were highlighted by presentations from government, NGO and UNHCR representatives, including the alarming incidence of sexual exploitation and abuse of children in...
many refugee situations, the legal implications of child marriage after resettlement and the need to ensure that paternity rights do not provide a legal obstacle to the resettlement of children born of rape. The collaboration between government and NGOs in the US Unaccompanied Refugee Minors Program was showcased as an example which, if taken by other nations, could increase opportunities for unaccompanied refugee children to be protected through resettlement.\textsuperscript{54}

**Alternative forms of admission:** The discussion about alternative forms of admission to resettlement has been spurred by the need for more options for refugees in the face of the world’s largest displacement crisis in 70 years and also by the role that alternatives to resettlement such as humanitarian admissions have played in creating places for tens of thousands of Syrian refugees, most particularly in Germany. In the ATCR discussion about alternative forms of admission, options highlighted were humanitarian admissions, humanitarian visas, family reunification programs, private sponsorship, Canada’s Blended Visa Office Referred Refugees Program (which combines aspects of the private and government-assisted refugee programs), the German model of state or provincial governments implementing their own sponsorship programs and family reunification programs, and student visas (such as Portugal’s higher education visa program for refugees). UNHCR’s Europe Bureau discussed options for labour migration.

While noting that refugees often do not benefit from labour migration programs due to a lack of proper documentation, UNHCR expressed interest in working with one or more states on a pilot to include refugees in a labour migration program. Among the research circulated to ATCR delegates on this topic were a research report by the International Catholic Migration Commission on Europe’s responses to the Syrian crisis through resettlement and other admission responses\textsuperscript{55} and UNHCR’s 2014 discussion paper on alternative forms of admission.\textsuperscript{56} In December 2015, the Migration Policy Institute Europe added to the canvassing of options by publishing a research paper on the potential role of private sponsorship in resettlement.\textsuperscript{57}

The compelling need for increased resettlement and for exploring all options for refugees in large-scale and protracted situations of displacement was reinforced for RCOA during visits by its Chief Executive Officer to Lebanon in December 2015 and Jordan in July 2014. The visits provided opportunities to hear how UNHCR, NGOs, governments and refugees themselves are coping in the face of the mass displacement from the Syrian civil war. More than one million officially registered Syrian refugees remain in Lebanon, and more than 600,000 in Jordan. There are varying estimates of the numbers of unregistered Syrians living in both countries. Both nations have imposed border restrictions over the past two years to contain the growth in the refugee population, leaving people trying to flee the Syrian civil war with fewer options.

All refugees in Lebanon and more than 85% of refugees in Jordan are living outside of managed refugee camps and many are struggling to meet the most basic of needs. UNHCR Lebanon reports that a survey in 2015 showed that 52% of refugees live in extreme poverty (less than US$2.90 per person per day) and 70% below the poverty line (US$3.80). As a result, most Syrian refugees in the region are now in significant debt – 89% in the most recent survey in Lebanon – and there is little reason to believe that the situation will improve without significant international intervention and support. Fewer than half of the 400,000 school-aged Syrian children in Lebanon are in school despite the efforts of the Lebanese Ministry of Education to create 200,000 new school places by introducing special afternoon shifts in local schools for Syrian children. The main obstacle to education is the poverty of refugee families, including the lack of funds for travel to school and the need to send children to work in very low-paid jobs in an effort to survive.

### 3.5.4. Increased commitment of resettlement places for Syrian refugees

The second half of 2015 saw an increase in international momentum to support UNHCR’s efforts to encourage greater use of resettlement to share responsibility for the support of Syrian refugees.

\begin{footnotesize}
\begin{footnotes}
54 For more information about the US Unaccompanied Refugee Minors Program, see http://www.acf.hhs.gov/programs/orr/resource/unaccompanied-refugee-minors
\end{footnotes}
\end{footnotesize}
UNHCR has been keeping a running total of the number of places pledged or made available for Syrian refugees since 2013. Between June and December 2015, this number increased from around 89,000 to more than 160,000.

In June, Norway committed to resettling 8,000 Syrian refugees by the end of 2017, allocating 2,000 places in 2015 and 3,000 places in each of 2016 and 2017. On 7 September, New Zealand allocated 150 places in its existing annual resettlement quota of 750 places for Syrian refugees and pledged an additional emergency intake of 600 places over the three years to June 2018. On the same day, the United Kingdom announced that it would add 20,000 places to its Vulnerable Persons Relocation Scheme for Syrian refugees over the five years to 2020. Two days later, the Australian Government announced its plans for 12,000 additional resettlement places for Syrian and Iraqi refugees. On 10 September, US President Barack Obama asked his administration to prepare to take at least 10,000 Syrian refugees in the fiscal year beginning on 1 October 2015. The following week, US Secretary of State John Kerry announced that the increased number of places for Syrian refugees would be part of an increased refugee target, rising from 70,000 in the 2015 fiscal year to 85,000 in 2016 and 100,000 in 2017.

After taking office in early November 2015, the new Canadian Government began taking action to implement its pledge of resettling 25,000 additional Syrian refugees as soon as possible, aiming to identify the refugees to be resettled by 31 December 2015 and settling them in Canada by 29 February 2016. These goals were achieved. In December 2015, the Canadian Immigration Minister John McCallum said that the number of refugees welcomed by Canada by the end of 2016 would be increased by privately sponsored refugees and would “probably be in the range of 35,000 to 50,000.”

In February 2014, UN High Commissioner for Refugees, António Guterres, called on the international community to provide resettlement and other forms of admission for more than 130,000 Syrian refugees by the end of 2016. In December 2015, UNHCR published an update which showed that the number of places pledged or allocated had exceeded 160,000. This estimate excludes the 12,000 additional places for Syrian and Iraqi refugees, pending clarification from the Australian Government about how many of the 12,000 places will be allocated to Syrian refugees.

UNHCR will host a ministerial-level meeting in Geneva on 30 March 2016 to showcase initiatives already in place to welcome Syrian refugees and to seek additional resettlement pledges. It will follow the Syria IV conference in London in February which sought financial pledges for the continued humanitarian response to the Syria crisis.

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### Table 6: Resettlement and Other Forms of Admission for Syrian Refugees, as at 11 December 2015 68

<table>
<thead>
<tr>
<th>Country</th>
<th>Places</th>
<th>Nature of commitment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>5,800</td>
<td>Refugee and Special Humanitarian Program</td>
</tr>
<tr>
<td>Australia49</td>
<td>1,900</td>
<td>Humanitarian Admission</td>
</tr>
<tr>
<td>Belarus</td>
<td>20</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Belgium</td>
<td>475</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Brazil70</td>
<td>7,380</td>
<td>Open-ended Humanitarian Visa Program. 7380 visas issued to date.</td>
</tr>
<tr>
<td>Canada</td>
<td>36,300</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>70</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Denmark</td>
<td>390</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Finland</td>
<td>1,150</td>
<td>Resettlement</td>
</tr>
<tr>
<td>France</td>
<td>2,880</td>
<td>1000 Humanitarian + 1880 visas to date for Syrians travelling to France to seek asylum</td>
</tr>
<tr>
<td>Germany</td>
<td>39,987</td>
<td>20,000 Humanitarian Admission + 19,987 Individual Sponsorship</td>
</tr>
<tr>
<td>Hungary</td>
<td>30</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Iceland</td>
<td>75</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Ireland</td>
<td>724</td>
<td>610 Resettlement + 114 accepted under Syrian Humanitarian Admission Program</td>
</tr>
<tr>
<td>Italy</td>
<td>1,400</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>25</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>60</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Netherlands</td>
<td>500</td>
<td>Resettlement</td>
</tr>
<tr>
<td>New Zealand</td>
<td>850</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Norway</td>
<td>9,000</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Poland</td>
<td>900</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Portugal</td>
<td>118</td>
<td>48 Resettlement + 70 Emergency Scholarships for Higher Education</td>
</tr>
<tr>
<td>Romania</td>
<td>40</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Spain</td>
<td>130</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Sweden</td>
<td>2,700</td>
<td>Resettlement</td>
</tr>
<tr>
<td>Switzerland</td>
<td>6,700</td>
<td>2000 Resettlement + 4700 visas issued to date under extended family reunification program</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>20,000</td>
<td>Vulnerable Persons Relocation Scheme</td>
</tr>
<tr>
<td>United States</td>
<td>22,427</td>
<td>Open-ended Resettlement. UNHCR has made 22,427 submissions to USA to date</td>
</tr>
<tr>
<td>Uruguay</td>
<td>120</td>
<td>Resettlement</td>
</tr>
<tr>
<td>TOTAL</td>
<td>162,151</td>
<td></td>
</tr>
</tbody>
</table>

#### 3.5.5. Feedback from consultation participants

Consultation participants offered a range of suggestions for setting priorities for Australia’s resettlement program. In general terms, some participants suggested that people who have been identified as being in need of resettlement by UNHCR, people in protracted situations, those who have family links in Australia and people at immediate risk of harm as priorities for resettlement. Participants also nominated people with more specific vulnerabilities as priority groups, including: women and children at risk (including single women, female-headed households and orphaned children); survivors of torture and trauma; people who are same-sex attracted, gender diverse or intersex; and people with disabilities.

In relation to specific countries and regions, suggested priority groups included: refugees living in countries where they do not enjoy effective protection (with India, Indonesia, Iran, Malaysia and Pakistan all specifically highlighted by consultation participants); refugees fleeing conflicts in which...

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69 Does not include Australia’s pledge of 12,000 additional visas for Syrian and Iraqi refugees, as Australia is yet to confirm how many of these visas will be for Syrians.
70 Figures for Brazil and United States reflect only the visas issued to date (in the case of Brazil) and the resettlement submissions referred by UNHCR (in the case of the United States), as both countries have made unspecified and open-ended commitments to Syrian resettlement.
71 Figures for France, Ireland and Switzerland combine pledges for resettlement with visas issued to date under other programs.
Australia has played as an active role (such as the conflicts in Afghanistan and Iraq); refugees from Burma living on the Thai-Burma border; refugees from Syria and Iraq, including those currently stranded in Europe; refugees from the eastern Democratic Republic of the Congo who are living in Burundi, Rwanda and Uganda (particularly in light of the prevalence of single female-headed households and survivors of sexual and gender-based violence among this group) and refugees from South Sudan.

Some participants noted the decline in the number of refugees from African countries being resettled in Australia and highlighted the ongoing resettlement needs across Africa. In the words of a service provider from Sydney, “Don’t forget about these countries. There is still need there. Look at what happened in Congo, Central Africa, those places. Terrible things happened there, children and women have been left with no support.” This issue is discussed in further detail in Section 4.3.

Consultation participants also nominated a number of ethnic and religious groups who are at particular risk and thus should be considered priority groups for resettlement, including: Tibetans; Uyghurs from China; Hazaras from Afghanistan and Pakistan; ethnic and religious minorities from Syria and Iraq, including Assyrians, Chaldeans, Mandaeans, Syriacs and Yazidis; the Banyamulenge from the Democratic Republic of Congo; the Igbo from Nigeria; the Oromo from eastern Africa; and the Somali Bantu. The ethnic group most frequently nominated as a priority for resettlement was the Rohingya from Burma, both due to the scale of persecution suffered by this group and the fact that they represent one of the most significant groups of displaced people in our region. As noted by a consultation participant in Canberra:

In the context of so many refugees in the world, it’s very hard to think about who you should take … But I do think about the Rohingya and we do have a particular regional responsibility. If you are going to cast things in a regional light, then the Rohingya would have to be a very big issue for Australia … The Rohingya is our local, regional genocide. It should be something that we are interested in and engaged with … There has been a change in Burma but not for Rohingya or Muslim people thus far and probably not for a long time … It’s within our sphere of influence. Obviously we need to take Syrian refugees but there is another thing right within our own region.

A small number of participants highlighted the situation of groups who are internally displaced and therefore not eligible for resettlement through UNHCR processes but who are nevertheless at significant risk. These groups included internally displaced Syrians and Iraqis, Sri Lankans at ongoing risk of harm and Turkish Kurds. It was suggested that resettlement pathways also be made available to these groups. In the words of a service provider in Sydney, “it would be good if there were pathways for someone not to have to engage on the refugee path and all the risks and harms that that causes.”

Finally, one organisation suggested in a written submission that there is a need for greater transparency in relation to how the Government makes decisions about resettlement, as “newly-arrived refugee communities have reported to us that they don't have a clear understanding of how the Australian Government determines priority countries/groups for resettlement each year.”

3.5.6. Principles for Australia's response

In our annual submissions since 2011, we have drawn together the feedback from community consultations into a set of principles that we have suggested the Australian Government use in its planning of the Refugee and Humanitarian Program:

1. The need for **resettlement to be made widely available** as a durable solution – by expanding the Australian refugee resettlement program and advocating for other nations to follow suit.

2. A focus on resettling the **most vulnerable** – particularly those with disabilities, at risk of sexual and gender-based violence, unaccompanied minors, those at risk of detention, LGBTI

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refugees at risk in countries of asylum and refugees isolated from community support (such as refugees well outside their region of origin).

3. An emphasis on **family unity** – taking into account the family reunion concerns raised by refugee community members in each annual submission.

4. The **strategic use of resettlement** to promote broader refugee protection – encouraging the countries of asylum which benefit most from resettlement (particularly those in the Asia-Pacific region) to improve the protection of refugees who will not be resettled, by providing them some form of legal status, the right to work and freedom from detention.

5. The need to balance resettlement **needs in different regions** – taking particular note of the extent of resettlement needs in the Africa region, while also responding to pressing needs in Asia and the Middle East.

6. An additional response to protection needs in **large-scale emergency situations** – developing a contingency quota over and above the annual refugee intake to respond to crisis situations such as the current one in countries neighbouring Syria.

7. A coherent overarching government **strategy for refugee protection** – articulating how the Australian Government’s commitment to the protection of refugees is put into action in its refugee resettlement strategy, its official aid and development program, its involvement in multilateral forums and its diplomatic action on human rights in refugees’ countries of origin and asylum.

As noted elsewhere in this submission, consultation participants enthusiastically called for an increase in the size of the Refugee and Humanitarian Program and highlighted the outpouring of community support which followed the announcement of the additional 12,000 resettlement places for Syrian and Iraqi refugees. The strength of the broader public response – with RCOA and many of its member organisations being inundated with offers of support for many weeks after the announcement of the expanded program – illustrates that there is capacity for Australia to sustain a larger refugee program.

### 3.6. DEVELOPING AN INTEGRATED RESPONSE TO DISPLACEMENT

*It’s a worldwide thing, so we all need to unite and think what works, rather trying to individually just do our own thing.*

– Service provider, Perth

Australia’s resettlement program continues to play a valuable role in offering effective protection and durable solutions to thousands of displaced people each year. Resettlement alone, however, is not a panacea for all protection challenges, nor is it likely to provide a solution for the vast majority of the world’s refugees either now or in the foreseeable future. The rapid escalation of protection needs in recent years has heightened the already-urgent need for a more comprehensive global response.

RCOA believes that there is significant potential for Australia to play a more active role in addressing the root causes of displacement and providing practical support to nations at the frontlines of refugee crises, with a view to creating more opportunities for all three durable solutions (voluntary repatriation, local integration and resettlement). This will require Australia to move beyond its current approach of resettlement and funding of humanitarian agencies and to develop a more strategic and multifaceted response to global displacement.

#### 3.6.1. Prevention and early intervention

It is self-evident that preventing displacement from occurring in the first place is infinitely preferable to responding to displacement after the fact. However, Australia’s current approach to addressing displacement focuses largely on assisting those who have already been forced to flee their homes, with comparatively little attention devoted to addressing conditions which may lead to future displacement.

Investment in such activities can help to prevent human suffering and massive upheaval and is also likely to be far less costly than responding to humanitarian emergencies. At the end of 2011, for example, the Special Representative of the Secretary-General and head of the UN Integrated
Peacebuilding Office in the Central African Republic, Margaret Vogt, appealed for $19.3 million for programs to support the reintegration of former rebel fighters and an additional $2.6 million for disarmament and demobilisation operations. She warned that lack of funding to complete these programs “could put CAR on the brink of disaster”.73

In the words of High Commissioner Guterres, Ms Vogt’s “call went unheard [and] the consequences are there, for everyone to see.”74 At the end of 2011, around 163,000 refugees had fled the Central African Republic and just over 105,000 were internally displaced.75 Today, the number of refugees from the Central African Republic has grown to over 450,000 and around 447,000 are internally displaced. UNHCR is currently appealing for US$345 million to response to the crisis – over ten times the amount originally requested in 2011.76

Australia can contribute to prevention through the targeted use of aid and development assistance to address factors which can lead to displacement, in areas such as education, social cohesion, good governance, access to justice and promotion of human rights. Diplomatic action aimed at early intervention as conflicts begin to emerge could also play a central role in preventing displacement.

Within the Asia-Pacific region, Australia can potentially use its influence to encourage dialogue about emerging displacement crises. The nation in the region from which displacement has grown substantially in recent years has been Pakistan. In just three years, there has seen a seven-fold increase in the numbers of people leaving the nation to seek asylum elsewhere.

<table>
<thead>
<tr>
<th>Table 7: Displacement from Pakistan, 2011 to 201477</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>Refugees and people in refugee-like situations</td>
</tr>
<tr>
<td>Asylum seekers</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Citizens of Pakistan have sought asylum in increasing numbers across South Asia and South-East Asia and have been noted in growing numbers among asylum seekers entering Europe. Anecdotally, it appears that the displacement is being caused by a number of factors, including victimisation of religious and ethnic minorities (including Christians, Ahmadis, Shi’ites and members of the Hazara ethnic group) and an increase in terrorism and violence in areas close to the Pakistan-Afghanistan border. However, it appears that there has been little or no comprehensive research into the factors behind this displacement and no attempt yet to identify effective responses.

3.6.2. Fostering conditions for safe voluntary repatriation

While repatriation is generally the solution most preferred by refugees themselves, safe return is often impracticable even in cases where the original drivers of displacement have lessened or abated. As the feedback gathered from community representatives from Sri Lanka and Burma demonstrates, the mere absence of active conflict does not guarantee that return will be safe or sustainable, especially where people have been displaced for long periods. Before a person can safely return voluntarily, there needs to be access to land and livelihood opportunities, (re)development of infrastructure and measures to ensure security, address impunity and promote social cohesion.

In the Asia-Pacific region, Australia could play a constructive role in working with governments, affected refugee communities and civil society to foster conditions conducive to sustainable return. In particular, Australia could endeavour to foster dialogue on the potential application of international models of reconciliation, protection of human rights for returnees, access to justice, creation of

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livelihood opportunities and restitution of land (from Colombia, Rwanda, South Africa and elsewhere) in the contexts of Sri Lanka and Burma.

As at December 2014, the number of refugees and asylum seekers from Burma living in other nations was 530,000 and the number of Sri Lankan refugees and asylum seekers was 139,000. While voluntary repatriation is not likely to be a viable option for all refugees from these countries, hundreds of thousands could choose to return home if their concerns were understood and adequately addressed. In seeking to achieve durable solutions for a large number of refugees, the first step must be to engage those refugees in dialogue about their hopes for the future.

3.6.3. Supporting host states with large refugee populations

The dramatic shortfall in funding for humanitarian emergencies has placed refugee-hosting countries under enormous pressure and left millions of refugees facing a daily struggle to survive. Many countries have commendably kept their borders open despite already hosting large numbers of refugees. However, their capacity to provide adequate support and protection to displaced people has been severely strained. Far too many refugees lack access to the basics – physical security, adequate food, water and shelter, a means of subsistence and fundamental services such as education and healthcare. This places them at great risk of poverty, exploitation and violence. Additionally, as noted in Section 3.2.2, lack of effective protection in countries of first asylum continues to compel refugees to seek solutions elsewhere, often at great risk to their own safety.

While Australia does provide assistance to some refugee-hosting countries through our funding of humanitarian agencies, our aid program lacks a coordinated approach to supporting displaced people and the communities which host them. The development of a targeted strategy to provide support to states with large refugee populations could greatly enhance the reach and efficacy of Australia’s response to humanitarian emergencies, helping to ensure that those on the frontlines receive the support they need to protect and assist displaced people effectively. Such a strategy would align with key aims of the aid program – to promote prosperity, reduce poverty and enhance stability – by ensuring that refugees can enjoy an adequate standard of living, participate in economic life and contribute to their new communities, as well as helping to stabilise displaced populations and prevent further displacement.

A more strategic approach to the use of aid would also assist in developing more sustainable, longer-term solutions for refugees. For instance, projects to generate livelihoods or provide targeted assistance to communities hosting large numbers of refugees (such as infrastructure development and settlement support programs) could pave the way for local integration or sustainable long-term residence pending voluntary repatriation.

3.6.4. Building regional cooperation to encourage local integration

As noted in RCOA’s July 2015 discussion paper on improving refugee protection in Asia-Pacific, constructive bilateral and multilateral cooperation between states in our region is essential to address the protection concerns which compel refugees to seek their own solutions elsewhere. If refugees are able to get their basic needs met, they are much more likely to remain where they are while durable solutions are developed. Additionally, countries in the region are likely to give more serious consideration to local integration and other long-term residence options if they feel confident that they will not be left to face protection challenges alone.

While the development of a comprehensive regional framework on refugee protection is a desirable long-term goal, shorter-term measures can be initiated immediately to address the most pressing concerns of refugees currently residing in the region – such as access to adequate food and shelter, freedom from detention, legal status, timely access to a refugee status determination process, the right to work and access to healthcare and education. The changes which refugees are desperate to see are much more likely to come through constructive action between two, three or four states working in partnership with UNHCR and NGOs to tackle pressing refugee protection problems together. There is potential for Australia to play a central role in these cooperative measures through

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exercising positive levers of influence such as the strategic use of resettlement (discussed in further
detail below), aid and development assistance, diplomatic action and sharing expertise.

In addition, successful models of constructive regional cooperation from elsewhere in the world, such
as the Solutions Alliance, the Brazil Declaration and the Addis Ababa Commitment (see Section
3.2.4), offer useful lessons for Asia-Pacific states in developing their own cooperative arrangements.

3.6.5. Using an expanded resettlement program strategically

While Australia’s resettlement program should maintain a focus on resettling the most vulnerable,
there is significant potential to use our resettlement program more strategically to achieve protection
dividends for refugees who will not have the opportunity to resettle. Over the past 40 years, Australia
has done much to support nations in the region through its resettlement program. In the five years
to June 2014, Australia issued resettlement visas to 23,536 refugees from Asia, most of them
relocating from Malaysia, Thailand, Nepal, Pakistan and India. This gives Australia a positive
platform on which to engage these states in constructive dialogue about how to improve the
protection of refugees who haven’t been resettled. In addition, as one of the top three resettlement
states in the world, Australia is well-placed to engage other resettlement countries – particularly the
United States, Canada and New Zealand – in these discussions.

3.7. RECOMMENDATIONS

Recommendation 1 – An integrated response to refugee protection

The Australian Government should:

(a) develop a cross-portfolio approach to promoting the protection of refugees and working with
other states to explore options to promote:

i. peace in countries of origin, particularly states from which the number of refugees
and asylum seekers is increasing (e.g. Pakistan);

ii. reconciliation processes in countries where there is movement towards peace and
possibilities for the eventual safe voluntary return of refugees (e.g. Burma, Sri Lanka);

iii. access to some form of legal status, alternatives to detention, work rights, education
and health for refugees in countries of asylum, particularly in South East Asia;

iv. cooperation between resettlement states which even more actively engages with host
states on other forms of durable solutions;

(b) convene a forum with NGOs, peak bodies, intergovernmental bodies and other relevant
stakeholders to advance the development of this integrated response to displacement,
including through consideration of the roles of aid, diplomacy, capacity-building and
resettlement.

Recommendation 2 – Regional strategy for Rohingya refugees

The Australian Government should work together with regional governments and other resettlement
states to develop a regional strategy for facilitating resettlement and brokering other durable
solutions for Rohingya refugees, including through working for the reinstatement of resettlement from
Bangladesh.
4. AUSTRALIA’S REFUGEE AND HUMANITARIAN PROGRAM

4.1. OVERVIEW OF THE 2014-15 PROGRAM

A total of 13,756 visas were granted under the Refugee and Humanitarian Program in 2014-15.\(^79\) The composition of the program was similar to the previous year, with the majority of visas (11,009) being granted under the offshore component of the program. Special Humanitarian Program (SHP) visa grants continued to increase, from 4,515 in 2013-14 to 5,007. This is the largest number of SHP visa grants since 2007-08. Over 1,000 Woman at Risk visas were issued, the third-highest number since the program was introduced but still lower than the 1,673 visas issued in 2012-13. Within the offshore component, 507 visas were granted under the Community Proposal Pilot, more than double the 245 visas granted in 2013-14.

A total of 2,903 visas were granted under the onshore component of the program. This included 2,747 permanent Protection Visas within the Refugee and Humanitarian Program and 156 temporary humanitarian visas granted outside the program. While the new Safe Haven Enterprise Visa (SHEV) subclass was introduced in December 2014, no SHEVs were granted during the 2014-15 financial year.

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<th>Table 8: Refugee and Humanitarian visa grants by subclass, 2009-10 to 2014-15(^80)</th>
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<td>Permanent Onshore Protection visas</td>
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With regards to regional composition, most offshore visas were granted to people originating from the Middle East (45%) and Asia (40%) with a comparatively small proportion of visas granted to people originating from Africa (15%). This represents a continuation of the significant shift in recent years from a relatively even split between the three regions to a stronger focus on the Middle East and Asia.


4.2. SIZE OF THE PROGRAM

I think that Australia has been highlighted as one of the best examples of resettlement programming in the world. And the services are there already to service new arrivals. But my only concern with the 12,000 has been approach in terms of how information has been filtered from government to service providers. The information we are hearing, much of it is speculative. The Government is just giving information in dribs and drabs. There should be some more transparency in the flow of information.

– Service provider, Sydney

As in previous years, there was strong support among the organisations and communities consulted for increasing the size of the Refugee and Humanitarian Program, with participants citing the scale of global protection needs and Australia’s capacity to make a larger contribution to addressing these needs. Some also pointed to the enormous challenges faced by countries hosting far larger numbers of refugees and noted that Australia was in a far better position to help.

A peak industry body consulted by RCOA saw the need for Australia to expand refugee resettlement as a necessary part of good international relations, in view of the sheer scale of need and the many host nations in need of assistance. While an increased number of refugees would bring some settlement challenges, the relative youth of refugee entrants would be an advantage for the nation as the population ages.

Several participants also drew attention to the contributions made by people from refugee backgrounds to Australian society, contending that a larger resettlement program would represent a net benefit for Australia. As argued by a service provider in Melbourne, “We don’t need to think about it as charity. Refugees bring skills, knowledge and capacity. There is a huge return for resettling refugees, we shouldn’t see it as a one-way transaction.” A community representative from Burma had this to say:

I always say, “we clean, we cook, we care”. We are the ones who have been doing these jobs for the past 40 years. Look who cleans the government offices: refugees and migrants. Look who cooks in the kitchens: refugees and migrants. Look who works in the aged care and childcare centres: refugees and migrants ... Let’s say we invest $40 million in the Syrian refugees this year. That is $40 million coming back later in human capital.

81 DIBP annual reports 2009-10 to 2014-15.
A number of participants suggested that the size of the program be restored to 20,000 places but it was evident that this figure was generally seen as a minimum rather than an upper limit. Indeed, several participants suggested that program be increased beyond 20,000. Some expressed confidence that settlement services had the capacity to respond to an increase in numbers. As observed by a service provider in Melbourne, “I think in Victoria there’s huge capacity, we do settlement really well, we know how to do it, there are some really quality case workers in Victoria who can do this, the services can work well and we can increase our numbers.” A service provider in Brisbane similarly asserted “that the sector is not daunted” by the prospect of increased numbers, as past experience has shown that services are capable of expanding quickly to meet additional needs.

Others, however, were more cautious, with some participants expressing reservations about the possible impacts of an increase in numbers. These concerns were most commonly raised in relation to the additional allocation of 12,000 places for Syrian and Iraqi refugees announced in September 2015. While participants certainly did not oppose the additional intake, there was obvious concern that services and communities would be expected to cope with a sudden increase in arrivals, potentially without adequate funding.

A service provider in Melbourne, for example, argued that “if [the] current intake is 13,750, and we are getting over the next 18 months or by the end of next year another 12,000, it’s obvious that existing services, who have been funded already and where plans have been locked in, that we don’t have capacity as it is to respond to that.” A mental health worker in Sydney noted that “we are expecting to get an increase in arrivals to New South Wales of 7,000 next year and we probably won’t get a proportional increase in funding for the services, so we will be increasingly under-servicing...It could create more health complexity and more complex problems.” Service providers in Darwin discussed the proposal to settle up to 1,400 new arrivals across the Northern Territory, voicing fears that the region was not equipped to cope with such a significant increase in new arrivals, particularly in areas outside Darwin. As stated by one participant:

*It is very dangerous to say that we will put them into rural areas. Rural in NT is remote. Tennant Creek, you know, how long could people stay there? Five minutes! The school has no facility, there is no facility for work, no housing. You might as well put them in the detention centre.*

A number of participants also called attention to the potentially complex needs of new arrivals from Syrian and Iraqi background, which may place additional pressure on service providers. In a written submission, one service provider noted that “it is likely there will be a high proportion of children and young people among this cohort, which will increase pressure on service providers such as education providers, children and youth services and family support services.” A healthcare worker noted that people from Syrian backgrounds are likely to have poor oral health but that the “capacity of state-funded oral health programs to meet this need varies.” A service provider in Adelaide expressed concern that “we are going to be seeing people with very, very complex families”, citing the example of a family with two children confined to wheelchairs.

In addition, some service providers repeated concerns raised in previous years about the impact of constant fluctuations in the size of the program. In the words of a provider in regional Victoria:

*For example, with the 12,000 Syrian refugees there’s an expectation that we are able to expand quickly and that’s great but then they will stop and we are just expected to contract. That’s difficult. You spend a lot of time and money building and investing capacity and then you are supposed to drop back off again. So what do you do with all the staff?*

Participants also commented on the limited and at times conflicting information provided to services about the profile of people who will be resettled in Australia, the timing of their arrival and the locations in which they are likely to settle. A service provider in Darwin questioned “What is going to happen to the Syrian people? Are we getting 1,400? Or a hundred and one of those is 16? Or are they all going to be in our age range?” Another service provider in regional New South Wales asserted that:

*It’s very difficult to make any long-term plans with regards to staffing, housing, TAFE. Our biggest concern at the moment is that we were told that the Syrians would all be arriving before Christmas. So we’ve had a mad rush to hire extra caseworkers and find short-term housing but we still don’t know how many people we’ll be getting. Neither DIBP nor DSS have told the HSS service...*
providers how many people they'll be getting for 2015-16 and when they'll be arriving. We can't do anything at the moment. We can't employ people because we have no clients but we know we'll be getting people all at once next year.

Initially, there appears to be a contradiction between the strong support among consultation participants for increasing the size of the Refugee and Humanitarian Program and the misgivings expressed about the capacity of the settlement sector to cope with increased arrival numbers. However, closer analysis of consultation feedback suggests that the concerns are primarily about the manner in which the additional intake was announced and implemented, rather than the prospect of an increase in numbers per se.

The sudden and largely unexpected announcement of a significant increase in arrival numbers, without any significant prior consultation; the prospect of settlement services being required to rapidly scale up their capacity for the second time since 2012 (and, presumably, scale down again once the one-off additional intake is exhausted); the limited information provided to services to assist with forward planning; and uncertainty about the availability of additional funding to support the expansion of service provision all appear to have contributed to the doubts expressed by some participants. It is likely that the responses may well have been different if the increase been planned rather than unexpected, key services had been more engaged in the planning process and there was greater certainty in terms of information and funding.

Indeed, several participants commented on the groundswell of community support which had followed the announcement of the additional intake for Syrian and Iraqi refugees. As noted by a service provider in regional New South Wales:

*There is a goodwill towards the Syrians. There have been lots of comments from State Governments and councils about being able to and having the capacity to accept some of the Syrians…People are saying within their communities there is capacity, they want to do stuff. People are open to it, so can we use that more, because there is enormous support.*

Some also noted, however, that there is a lack of coordination to harness this community support, creating a risk that (in the words of a service provider in Melbourne) “it will just become flat like a deflated balloon”.

### 4.3. COMPOSITION OF THE PROGRAM

*It hasn’t been so much about government decision making, it has been about people going where their families are. That trend has also been seen in the Refugee [subclasses], the 200s and 204s. Their caseloads have been linked increasingly with metro [areas]…The Government has decided that there has been an increase in Syrian and Iraqi component of offshore program and those communities particularly send you highly into particular metro locations. All of this has had an impact on regional settlement across Australia.*

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Service provider, Tasmania

As in last year’s consultations, a number of participants raised concerns about the impact of the larger proportion of SHP visas now being granted under the Refugee and Humanitarian Program. The feedback gathered indicates that there has been a continuing trend of higher settlement in Sydney and Melbourne at the expense of settlement in other capital cities and regional areas. In the words of service provider in Brisbane:

*A decrease in numbers would threaten the refugee sector here if there’s not viable numbers. For us it’s difficult to maintain services and the systems that we set up, if those numbers don’t pick up. We’re scared of more losing progress that we’ve made with those services. Because of that SHP visa.*

Some concern was also expressed that the increasing proportion of SHP visa grants has placed pressure on service providers, as many of these visa holders require settlement assistance but may not be fully eligible for funded services. A service provider in Perth, for example, noted that “the increasing proportion of 202s leads to a decrease in funding for settlement services, however many of this cohort still require support but with no chance of being recompensed for this work. Then the viability of programs is undermined.” Another service provider in Sydney echoed these comments:
What we’ve noticed is that people arriving on sponsored visas – so 202 visas – have basically the same capacity as [people arriving on] 200 visas. So the thing is, theoretically they need less support but it’s not the case and sometimes it feels that the case management process for 202 [visa holders] is extremely complicated … That’s the thing, that we’ve received so many 202 visas, it does bring up a variety of issues. Their needs are exactly the same.

Feedback relating to other visa subclasses was limited. A service provider in regional Victoria reported experiencing a dramatic drop in referral numbers as a result of the reduction in Protection Visa grants, which had had impacts similar to those described by services now receiving fewer referrals due to the increase in SHP visa grants. Others expressed concern about the ongoing inclusion of onshore protection visa grants within the Refugee and Humanitarian Program quota, on the basis that it can skew the focus of the program, fuel the “queue jumper” myth and create tensions among different refugee communities. Finally, several participants advocated an increase in the size of the Woman at Risk quota.

In relation to regional composition, some concern was expressed that the increasing focus of the program on refugees from Syria and Iraq had resulted in far fewer resettlement opportunities being made available to people from other countries, even if they have compelling protection needs. A service provider in Adelaide, for example, spoke of the impacts of this change in regional composition on Afghan communities: “We’ve got a number of Afghani families, who fled Afghanistan and went to Iraq, fled Iraq and went to Syria and now they are really stuck. And they’ve got family trying to support and propose them. And we’re thinking, why not bring them? ...Why are you only accepting the Syrians?” A former refugee from the Sudan raised similar concerns about refugees from Africa:

*The public is being made to believe that [the situation in Syria] is worse than elsewhere. And the things that are happening there are really horrible [but] what is happening in Syria is no different than what is happening in Africa, in many countries in Africa...We have got a humanitarian problem in Syria, it is a big one, at the moment...[but] Africa is forgotten because nobody has interest in Africa.*

Other participants made similar comments about the declining proportion of visas being granted to people from Africa. In the words of a service provider in Sydney:

*There has been a spotlight on Syria for the right reasons. But if you look at the top ten [countries of refugee origin] statistics, there are about six African countries in the top ten. And the focus on Africa has shifted, no one is talking about African refugee camps, from the six African countries in the top ten. There are conflicts going on in Africa, from Congo to South Sudan, from Mali, from Somalia to Burundi, West Africa, there are a lot of conflicts that can be looked at.*

Another service provider in regional New South Wales reported that some refugees living in Africa had had their resettlement applications significantly delayed as a result of the shift in regional composition:

*Nairobi post has a massive pipeline of grant-ready visas. [People have] been for medical [tests] three or four times, sitting in a refugee camp in Eritrea, they have been interviewed four or five years ago but still sitting there. They have been put down the priority list because they are Somali and because Africa is not a priority...Because the world has created an issue around the Syrians, when you’ve got cohorts who have been waiting for years, they are going to get shafted in this process. That’s what worries me. They are still just sitting there and they will continue to.*

It is important to note that consultation participants did not oppose the granting of larger numbers of SHP visas per se – indeed, as outlined in Section 4.5, there was very strong support among participants for enhancing access to family reunion opportunities. Similarly, participants did not dispute that many Syrian and Iraqi refugees are in need of resettlement. Rather, their concerns related to the impacts of certain planning decisions on refugee communities both in Australia and overseas and on services working with people from refugee backgrounds in Australia. In the words of the Sudanese community representative quoted earlier in this section, “We are not saying that Asians, like the Syrians, who are suffering, they don’t come. We don’t say that Africans are the best people to come, it is not about that. It is more about the issues and the needs.” This feedback points to a need for greater balance in the composition of the program to ensure the viability of settlement programs and a more even spread of resettlement opportunities for refugee populations in need.
4.4. COMMUNITY PROPOSAL PILOT

It’s interesting that there’s so much negativity in the media towards economic refugees and people coming here and who have the funds to afford to get here, when the system is rewarding people who do have more financial capacity. So I think it again makes you question the fairness of the system… that it [is] those who are wealthy that are getting more opportunities.

– Service provider, Melbourne

Since June 2013, up to 500 places within the Refugee and Humanitarian Program have been available each year to people sponsored under the Community Proposal Pilot (CPP). Under this program, individuals and community groups wishing to propose a person for resettlement in Australia can lodge an application through one of five Approved Proposing Organisations, or APOs (AMES Australia, the Brotherhood of St Laurence, Illawarra Multicultural Services, Liverpool Migrant Resource Centre and the Migrant Resource Centre of South Australia). Proposers are required to pay substantial Visa Application Charges (totalling around $30,000 for a family of five) and other processing fees but their applications are prioritised for processing, meaning that they will be processed more quickly than applications lodged under the SHP. The Government is now considering plans to develop the Pilot into an ongoing community sponsorship scheme called the Community Support Program.82

As in previous years, consultation participants raised a number of issues relating to CPP. The issue most commonly raised by far was the costs associated with the program. Many felt that these costs were far too high for many people from refugee backgrounds to meet, particularly those who had arrived in Australia relatively recently. There was a perception among several participants that the high costs undermined the humanitarian character of the program, in that the applications are prioritised on the basis of capacity to pay rather than on the basis of humanitarian need.

For example, a service provider in regional Victoria commented that “it does feel like a visa for the more privileged people”, while a community representative in Sydney commented that “if you are rich, you come quicker, if you are poor, it’s years.” A service provider in Melbourne commented that as a result of the high fees, “it becomes not a refugee visa, it becomes more of a business visa. If someone is required to pay $30,000 per person, then we are not talking about a refugee visa at all.”

Some raised particular concerns that people who are more vulnerable or disadvantaged are far less likely to be able to afford the high costs, despite the fact that they may be proposing people in far greater humanitarian need. Additionally, a few participants expressed fears that the high fees may set a damaging precedent, potentially precipitating a shift towards a “user-pays” model of resettlement rather than one based on needs and vulnerability. Several participants advocated for the CPP quota to be delinked from the Refugee and Humanitarian Program intake to ensure that the latter retains its primary focus on humanitarian need.

At the same time, however, it was reported that there had been enormous demand for the program. In the words of a service provider in Melbourne, “across Australia, so many people want to do that and as soon as it opens up, within two weeks it’s shut…There’s just so many.” Indeed, in the latest round of applications for the CPP, close to 10,000 expressions of interest were received for just 500 places.83 One service provider in Sydney reported that “the way that the program was promoted within the community and rolled out created unrealistic demand”, with many applications failing to progress beyond the expression of interest stage due to the CPP quota being rapidly filled.

Some also shared positive stories of people who had been successful in applying under the CPP. A service provider in Melbourne, for example, reported that “families here have been sending money back home to their families overseas. So they are of the opinion, this is just feedback that I have had, that they would rather have them here, instead of sending money to the family members back home.” A community representative in Sydney shared the following story of a family who was successfully proposed under the CPP: “The son was killed by ISIS. The father he kept on drinking

83 See http://cpp-apo.net
until he ended up with liver failure and he died. And there was a family of a mother and two girls. One has Down syndrome...So they saw the story and we paid for the family. And it was very successful.

Indeed, a number of participants highlighted the potential of the CPP to provide a useful alternative pathway for those who had the capacity to meet some of the costs associated with resettlement – provided that some aspects of the program are reformed. For example, one organisation stated in a written submission that “we believe there is a place for this program, however the visa places should be separate from the Refugee and Humanitarian Program.” A service provider in Sydney similarly remarked:

*I’m hesitant to vouch for any increases [to the CPP] if it sits within the intake but there’s huge opportunity if it is separated, to ease the burden on the general intake system while meeting the demands of the community … [It would] benefit everyone mutually if it was separated and increased in its intake. It would mean Australia would be able to respond better.*

Other issues raised in the relation to the CPP included: the need for greater transparency in the operation of the program; the limited access to the CPP for people living outside the areas in which APOs are currently operating; the importance of a “safety net” for people resettled under the CPP in cases of relationship breakdown or where the circumstances of the prosper change; and the proposed changes to eligibility for some services under the Community Support Program (such as the introduction of an “assurance of support” requirement to cover income support payments), which some participants suggested could be counterproductive.

4.5. FAMILY REUNION

*I have gone seven years without seeing my own mum…I can talk to her on the phone but I can’t see her. And if I apply for her to come here, you know what the Government will say? “No.” She’s my mum! And every one of them – all the politicians, everyone in this country – on the weekend they go and see their mum and their grandmothers. What do you think about someone else? It’s the same love that we have.*

– Former refugee from South Sudan, Sydney

As in previous years, the issue most commonly raised in discussions about Australia’s Refugee and Humanitarian Program was family reunion. Participants continued to share stories of the enormous challenges faced by people from refugee backgrounds in sponsoring their families to join them in Australia.

Despite the further increase in the number of SHP visa grants last financial year, it is patently clear that this increase alone has not been sufficient to address barriers to family reunion. Indeed, the feedback received by RCOA on this issue has remained dispiritingly consistent in recent years despite opportunities for family reunion having technically increased.

4.5.1. Impacts of family separation

Stories highlighting the devastating psychological, economic and social impacts of family separation were again shared in abundance by consultation participants. Many spoke to the severe and debilitating distress experienced by former refugees facing prolonged separation from their relatives. One former refugee living in regional New South Wales put it bluntly: “The government should decide if they need us happy or depressed.” A service provider in regional Victoria stated:

*It’s hugely significant. People didn’t start to make any kind of feeling of belonging, settling, mental health suffers, physical health suffers, families suffer and the equivalent of survival guilt kicks in as well which adds to mental health issues. Many become so distressed that even offering counselling becomes too much...And it’s a hideous, hideous, heartbreaking thing to watch. And to work with these people year in and year out and it’s really quite distressing.*

Several former refugees spoke of their serious concerns for the safety and welfare of family members left behind. A representative from the Tamil community reported that “I have men who say that they don’t like to eat, even though there is such fantastic food [in Australia]. They say ‘I can’t enjoy my meal because I don’t know what my children are having’. They say ‘I can’t enjoy my bed because my children can’t sleep on a bed’.” Tragically, these concerns had in some cases proved to be well-
founded. A former refugee living in Melbourne, for example, reported that her brother had been kidnapped and killed in Iraq after having twice had a visa application refused by Australia.

A service provider in Tasmania argued that the anxiety and distress resulting from family separation “is adding to the trauma of people, the re-traumatising of people”. A community leader from South Sudan made similar comments:

'It’s a major issue when it comes to trauma. It has increased the trauma that a person was already having, because you have the first trauma from the war and you have the trauma from the resettlement. So it’s hard to deal with…Your mind is a bit far away, thinking “Family in Kakuma. Family in Cairo. Family in Rwanda”.

In a written submission, one organisation highlighted the particularly negative impacts of family separation on the health and wellbeing of young people:

[Our] staff have worked with a number of young people who have been suffering severe emotional and psychological distress due to separation from their immediate family members including their parents. These young people face ongoing worry about their family’s safety and wellbeing in the country they have fled from, as well as having to face the impact of their own traumatic refugee experiences without their parents’ emotional support. This takes place while the young person has to navigate adolescence in a new country and culture and faces language and educational hurdles as they try to adapt to a new schooling environment without their parents’ care, support or protection. For the young people we have worked with, the stresses of familial separation have exacerbated existing mental health issues, leaving them feeling lonely, isolated and without hope. For one teenage girl, prolonged separation from her mother resulted in suicidal ideation.

As noted in the comment above, family separation was also seen to have a serious negative impact on settlement outcomes. Indeed, a service provider in Melbourne asserted that “so much of successful settlement is predicated on the ability to be reunited with family”, while another service provider in a separate consultation in Melbourne argued that “It doesn’t make sense to put money into settlement services without family reunion”. A former refugee living in regional New South Wales spoke of his struggles to learn English while battling anxiety for his family’s welfare:

I go to the classes and I try to learn English but my thoughts are with my family in Iran, so it is very hard for me to focus and concentrate of my studies…I go to the classes, physically I am there but mentally I cannot think of what the teacher is telling me to learn. And sometimes even I get sick only because of the pressure – I am trying to learn English, learn the language, so I get sick for days and days. Once I know my family members are okay, that would help me to learn the language quicker. [through translator]

Some participants also noted that family separation could deprive people of social and emotional support critical to positive settlement outcomes. A former refugee living in Sydney, for example, spoke of the difficulties she faced as a single parent with no family support: “I have been working full time…[but now] I have a child, I can’t go to work anymore. If my mother is here, she can support me and I can support her. She can look after my baby and I can be relaxed of mind and not worried anymore.” A representative from the Tamil community pointed out the critical role of families in providing emotional support to assist recover from trauma:

Counselling sometimes doesn’t work because of baggage like that. If we have issues, we talk to our families and our families help us. Here they don’t have anyone to talk about that with. Others in the community have similar issues so they can’t share their problems [with each other]. They already have so much on their shoulders. Most of the time families have been there for them and helped them to get through that torture and trauma.

Several participants highlighted the enormous pressure on people in Australia to support relatives in refugee situations overseas, which was seen to both compound the stress of family separation and impose a significant financial burden on people attempting to settle in Australia. A community leader from the Democratic Republic of the Congo, for example, noted that “some people come here and [their families are] still in the refugee camp … People are sending money back home, so they get behind on their rent, the children go to school without food. Why not just bring them together?” A service provider in regional Victoria expressed concern that some young people felt compelled to leave school due to the need to support their families overseas: “A lot of them felt that school wasn’t an option, that they were forced to finding work and getting as much of it as they can so they can
help support their families.” A former refugee from South Sudan spoke of the impacts of financially supporting relatives overseas on his own settlement outcomes:

*Family reunion is a key. The reason why it is number one in my list is that socially, psychologically, emotionally, financially, [family separation] is not viable. I’m the only person in Australia now. My father has four wives. Now you do the maths, how many sisters and brothers I have. They’re all depending on me. Then that means I cannot settle. And I will never buy a house, because whatever little I have, I have to send it overseas. So that makes it really tough.*

Finally, a few participants noted that family separation could have a negative impact on relationships, potentially leading to relationship breakdown. One former refugee living in Melbourne, for example, reported that some families living overseas had felt that their relatives in Australia had “abandoned” them, failing to understand the barriers in Australia which had led to prolonged delays in reunification: “They are stuck between two fires…it is causing family conflict.”

On the flipside, some participants pointed to the benefits of family reunion, arguing that facilitating timely reunification would lead to better mental health and settlement outcomes. A service provider in Adelaide, for example, argued that “if they’ve got families here, you can actually save a lot of money on the settlement programs”, as relatives could provide critical support which may otherwise have to be met by funded services. A service provider in Tasmania similarly argued that timely family reunification “could eventually cut costs in the mental health system”. Another participant in the same consultation spoke of the more positive settlement outcomes for Bhutanese refugees who had been resettled in larger family groups, compared to those who were separated from their relatives: “[We] did get whole families coming [and] they didn’t face the same kind of stressors initially that we saw in other cohorts.”

4.5.2. Processing of family reunion applications

Many participants expressed frustration about the prolonged waiting periods for family reunification and length of time taken to process SHP and family visa applications. Some participants reported waiting for many years to be reunited even with their close relatives. A service provider from Melbourne shared the story of a former refugee from the Karen community who had sponsored her husband for resettlement: “Probably seven or eight years later he came. I mean, that is a very long time to wait if you’re establishing a family in the country.” A former refugee from Pakistan had had a similar experience, reporting that his wife and children (including his severely disabled daughter) were finally able to join him in Australia seven years after he had originally applied.

Participants also commented on the lack of information provided to people applying for family reunion about the progress of their applications. In the words of a former refugee living in Tasmania: “Since we have [lodged] application we haven’t heard anything about its progress. So we are really confused [about] whether the government is still doing something to bring them here in Australia, or whether the government has already stopped and is not letting us know.” A service provider in Melbourne raised similar concerns:

> You submit an application form or court application…then receive a notification letter from Sydney and it just disappears. And now, some of them have been waiting one year. They haven’t gotten any kind of correspondence saying whether the application has been refused, or [is at] a stage in the process, or whether they have been transferred to a court…So it has become very frustrating for the families, especially those who have close family in need.

Several participants also shared stories of family reunion applications being rejected. A service provider in Perth commented that “it seems that Australia is finding a reason to say no to people rather than finding a reason to help them”. Many participants drew attention to the need for greater access to low-cost or pro bono migration advice and application assistance for people from refugee backgrounds who are seeking to reunite with relatives. They spoke of the huge demand for existing services and the often prohibitive cost of accessing private migration agents or lawyers. Several participants emphasised the critical importance of migration advice to people from refugee backgrounds, particularly those who do not have strong English language skills. A former refugee living in Tasmania who is seeking to sponsor his brother for resettlement reported that “I [have a] hard time understanding English, it is very difficult to call [the] embassy or Immigration. I need more support from someone to help me, it is a very big
Australia’s Response to a World in Crisis: Community views on the 2016-17 Humanitarian Program

4.5.3. Financial cost

Many participants spoke of the high costs associated with family reunion, such as visa fees (for those sponsoring relatives under the family stream of the Migration Program), airfares, migration agent and legal fees and costs of providing settlement support. It was reported that the costs of reunification, even with immediate family members such as partners and children, could amount to tens of thousands of dollars. This cost was seen as being very difficult (if not impossible) for many people from refugee backgrounds to meet, particularly for those who have arrived in Australia relatively recently. A former refugee living in Melbourne shared the following story:

I do have my relative who's a close relative and she asked me to sponsor her...[I told her] I have to leave the money for my bills and my utilities. To be able to pay for the bills, I still struggle. So I won't be able to sponsor or help you. So morally she was very, very down and she was very depressed but I cannot help her in other way.

Some expressed concern that former refugees were placing themselves, or their relatives, under significant financial pressure in order to meet the costs of reunification, which can in turn impact on settlement outcomes. A service provider in Sydney stated that “It’s a huge expense and then the clients come here, either family members are put under financial pressure or the clients are put under financial pressure as soon as they arrive here, causing huge problems in places you wouldn’t expect.” Another service provider in Brisbane similarly reported that:

A lot of the families are then in debt when they arrive because they've been sponsored by a relative and they have to pay that money back...so there’s a lot of pressure to get employment very quickly...[and they are] very vulnerable to the people that sponsored them or assisted them to pay that fee.

Some commented on the increase in the visa application charges for partner visas, noting that this would worsen the financial burden on former refugees or simply be unaffordable. A former refugee living in Sydney cited the situation of his sister, who was seeking to sponsor her husband on a partner visa: “She is a student and can’t work full time and cannot find a part-time job...She doesn’t have that much money to apply for her partner to come here. That is the problem.” A service provider in Adelaide provided another example of a former refugee who will now have to pay $22,000 to bring his wife and children to Australia: “He’s a pensioner. What kind of pensioner can afford that? He’s got mental disabilities and physical disabilities [but has to] find $22,000 to bring over his wife and kids?” Another former refugee living in regional New South Wales commented that “It’s like they don’t want us to bring the wife or the children.”

4.5.4. Eligibility requirements

Consultation participants continued to express concern about the restrictive definition of family used to assess and prioritise family reunion applications. Several people shared stories of attempting to sponsor extended family members (such as their parents, siblings, cousins and adult children) for resettlement with no success. A number of former refugees expressed confusion as to why certain family members were prioritised over others, regardless of the level of risk faced by the relative in question. A former refugee living in Sydney voiced his frustration about the fact that parents and siblings were prioritised ahead of other family members: “It makes no sense. What about my cousin? He’s more persecuted than my brother.” Another participant in the same consultation shared the following story of attempting to sponsor his brother and nephew for resettlement:

I submitted a [successful] application for my brother in Turkey ... And I submitted at the same time for my nephew, and they rejected it twice. So when I ask here, “Why?”; they told me because “He’s your brother, nephew is a far away relationship”. So if someone persecuted in our country is not my brother, not my dad or my sister, we can’t bring him here.

Several participants raised concerns about the definition of dependent children, which excludes children over the age of 18 who are not engaged in full-time study. This definition can compel families to consider leaving their adult children behind (often in a precarious situation) while the rest of the family resettles in Australia. This also presents a barrier to reunification after arrival. As noted by a service provider in Perth, “I have few clients who have been here for five years with their wife and...
four children and one child is back there. They try to bring them and each time it is rejected. It's heart-breaking.” A few participants also commented on the situation of people who have more than one spouse but can only have one of these partnerships recognised under Australian law, which can effectively result in permanent separation from their other partners and children.

Difficulties of obtaining documentation to support family reunion applications were also highlighted. Some participants, for example, noted the challenges of obtaining identity documentation for children who were born in exile. The most common issue raised in relation to documentation, however, was the difficulty of formally registering as refugees. Several former refugees reported that they had been unable to sponsor relatives for resettlement who had not registered their status with UNHCR – even if it was impossible for them to do so. A former refugee from Afghanistan provided the example of his sister who is living in Iran: “She can’t register at the UN office because she has a student passport and the UN office doesn’t register with student passports.” A representative from the Karen community spoke of the challenges faced by refugees from Burma who had fled to Thailand and not been permitted to register their status. A service provider in regional Victoria commented that:

It’s very difficult when you say that cases that are processed or assessed and recognised by the UNHCR will get top priority, when in the countries overseas where their families are living, a lot of them can’t get to the UNHCR and can’t get appointments with the UNHCR. So it looks like they’re really grossly under-resourced overseas to even interview families to do an assessment with them.

Other issues relating to eligibility raised during the consultations included: the need for more flexibility to enable families separated through resettlement (that is, in cases where different family members have been resettled in different countries) to reunite; restrictions on access to the SHP for people living in countries deemed by Australia to have established systems for protection, with one participant raising concerns that this had prevented resettlement of refugees living in Israel despite the poor conditions for refugees in this country; and restrictions in the family stream of the Migration Program which can prevent people from sponsoring relatives with a disability.

Finally, a few participants expressed concern about misinformation being communicated to some resettled refugees prior to their arrival in Australia, which had led to unrealistic expectations about their prospects of family reunion. A service provider in Sydney provided the following example:

An interpreter tells them in their own language, “don’t tell Immigration you’ve got a partner, just sponsor your partner when you get to Australia”. Then they’ve come to Australia on the basis that they’re a single woman and they’re barred from sponsoring their partner but they don’t know that until they arrive… I know they get classes when the visa is granted before they actually arrive in Australia but maybe it’s worthwhile having some information sessions before they go through the whole process, because once the visa’s been granted and then they tell Immigration “I’ve got a partner”, it’s a bit too late at that point.

Another service provider in regional New South Wales raised similar concerns, reporting that resettled refugees were being told overseas that their relatives would be able to join them in Australia but maybe it’s worthwhile having some information sessions before they go through the whole process, because once the visa’s been granted and then they tell Immigration “I’ve got a partner”, it’s a bit too late at that point.

Another service provider in regional Victoria highlighted the injustice of applying these restrictions to people who arrived in Australia years ago and thus could not possibly be “deterred” by them: “Punishing
those people because they came by boat three years before this government came into power, it’s just really, really cruel.” Another participant, also from a regional area, similarly commented that this group of people “are relentlessly being punished for having come to Australia by boat. It’s that retrospective punishment of these people that is costing this country.”

It was also reported on numerous occasions that many former refugees had experienced delays in the processing of their citizenship applications (see Section 6.6). As obtaining citizenship is now virtually the only means through which a person who arrived by boat can become eligible for family reunion, these delays have had a significant impact on former refugees attempting to reunite with their relatives. 84

4.5.6. A new approach to humanitarian family reunion

In response to feedback received over many years relating to the challenges faced by people from refugee backgrounds in reuniting with family members, RCOA undertook to develop a proposal for an alternative approach to humanitarian family reunion. This proposal was developed in consultation with practitioners involved in providing support to people from refugee backgrounds with family reunion applications and presented for further feedback during RCOA’s annual consultations.

The essence of RCOA’s proposal is to implement measures which would make family stream visas more accessible to people from refugee backgrounds, with a view to shifting split family applications from the Refugee and Humanitarian Program to the Migration Program. This could be achieved through:

- **Creating a dedicated humanitarian allocation of family visas** which offer concessions for requirements which are typically difficult for people from refugee backgrounds to meet, including: concession rates or waivers for Visa Application Charges; exemption from certain documentation requirements (such as police clearances) and the health requirement; prioritised processing if family members are at immediate risk; access to relevant settlement services; and exemption from Centrelink’s Newly Arrived Resident’s Waiting Period.

- **Introducing needs-based concessions for people sponsoring relatives in humanitarian need** to provide more flexible family reunion options for people from refugee backgrounds who are able to meet some, but not all, of the eligibility and documentation requirements for family visas. These concessions would help to make family visas more accessible to people sponsoring relatives in humanitarian need, while also ensuring that the full concessions available under the humanitarian allocation are reserved for the people who face the most significant barriers to family reunion.

It is envisaged that shifting split family applications to the Migration Program would create more resettlement opportunities under the SHP for people who do not have viable visa options available under the Migration Program (such as adult children, siblings, aunts, uncles, cousins and grandparents), as well as providing opportunities for community groups to become involved in sponsoring people for resettlement.

A small number of consultation participants raised questions as to the processes for determining whether a person is eligible for needs-based concessions. In the words of one service provider, “such a system would need to be clearly thought through with careful planning and implementation and include a level of flexibility so it did not become too complicated and bureaucratic.” Some also emphasised that family reunion should not be seen as a substitute for the resettlement program; that is, an increase in opportunities for humanitarian family reunion should not lead to a reduction in the overall size of the Refugee and Humanitarian Program. Overall, however, the feedback provided on RCOA’s proposal by consultation participants was generally positive. One participant in Canberra welcomed the proposal as a positive affirmation of the importance of family unity:

> The idea of a dedicated humanitarian allocation is quite interesting, particularly because if the Government was to accept that as a way forward, it would be quite a good acceptance and acknowledgement of the idea that family reunion is actually fantastic for settlement of refugees.

don’t think there’s enough acknowledgement of that. That would be a good way for the government to acknowledge that, by saying, “We’re flagging family reunion specifically for refugees not only for humanitarian reasons but also because it will help those who are already here in their lives in Australia.”

4.6. ALTERNATIVE MIGRATION PATHWAYS FOR REFUGEES

As noted in Section 3.5.3, the sheer scale of the global refugee crisis is encouraging UNHCR and other policy makers to consider every option possible for refugees in need of resettlement, including migration options well outside standard refugee resettlement programs. These ideas were taken up in RCOA’s consultations by a community leader from South Sudan who suggested that the Government explore options for allowing some refugee and humanitarian entrants to resettle in Australia under skilled stream of the Migration Program:

There’s one category that people ignore. With refugees in those refugee camps, you have professionals too. Why don’t you go to those camps and say, “If you are a professional don’t apply. You can come to Australia as a skilled migrant”? Just because people are refugees, it does not mean that they don’t have skills…So why not actually say, “Okay, we screen people in the camp. Those that are educated, authenticate that, and actually lump them into the skilled migration”. That will actually free up spaces [in the resettlement program].

A peak industry represented suggested that consideration be given to attracting skilled and semi-skilled refugees to work in Australia under arrangements outside of and additional to the Refugee and Humanitarian Program, as one method of expanding the number of available places. One suggestion was that refugees be recruited to work in Northern Australia, committed to working in that region for a set number of years as a pathway to permanent residency. This proposal, however, was not supported by the Regional Australia Institute, which saw it as a temporary fix at best: “By implication, you are saying to people: ‘Living in Northern Australia isn’t something you will want to do.’” The Regional Australia Institute believes the better options are to encourage refugees to settle in regional cities and towns voluntarily and to encourage refugees currently living in Australia’s major cities to consider moving to regional Australia for positive economic reasons and for the lifestyle.

Opportunities could also be created for refugees with the right language and academic aptitude to study in Australia as a pathway to a permanent skilled visa. This idea was discussed in a consultation with a peak education body which saw great merit in the proposal but noted that this would require a rethinking of current approaches to student visas.

The changes to the family stream of the Migration Program proposed in this submission provide one example of how existing migration programs can be made more accessible to people from refugee backgrounds, effectively expanding opportunities for humanitarian migration outside the formal Refugee and Humanitarian Program. It is likely that similar opportunities exist not only within the skilled stream of the Migration Program but also through various temporary migration pathways. In the past, RCOA has recommended that the Government conduct a review to identify opportunities for enabling refugees to enter Australia under the skilled and family streams of the Migration Program. We believe that a more expansive review, encompassing both permanent and temporary migration options, would be timely in light of the escalating resettlement needs identified in Section 3 and particularly in the context of current international discussions on alternative forms of admission for refugees.

4.7. OTHER ISSUES

In discussing the Refugee and Humanitarian Program, a few consultation participants remarked on the contrast between Australia’s treatment of refugees who are resettled in Australia and refugees who arrived by boat. In the words of a service provider in Sydney, “I think it’s really important that they treat all refugees equally. There has been all this public attention on the Syrians but what’s happened to Nauru and Manus? They’re still sitting there. There need to be equitable processes for everybody.” Another service provider in regional Victoria similarly commented that “It’s disappointing when there are clear and intentional policies in place…to separate refugees, for those who arrive by boat to get very different treatment. And I think the Syrian situation, even though it’s positive and it’s great that we’re looking at an increase, it further separates groups.”
Some participants pointed to the need for better communication of information about people arriving under the resettlement program. A service provider in regional Victoria shared an example of where they had received “a huge amount of information about one family and the family never arrived [then] one family arrived with 14 children and had to look at housing for that.” A service provider in Darwin reported that:

You will hear nothing, and all of a sudden there is a large group, and then nothing again, and then a large group again…It can be three or four months and there is nothing, and all of a sudden you get hit with one huge group. And the amount of extra work that is involved because you are dealing with so many people in one hit, makes it a little bit harder.

4.8. RECOMMENDATIONS

**Recommendation 3 – The size of the refugee program**

The Australian Government should increase the offshore refugee resettlement program to 20,000 places in 2016-17 and expand the program progressively in the following four years towards an annual program of 30,000 places. This should be done in consultation with settlement service providers and other relevant stakeholders to ensure the expansion is adequately resourced.

**Recommendation 4 – Additional intake for Syrians and Iraqis**

The Australian Government should make additional resettlement commitments of 10,000 places each year for the next three years for refugees displaced by the Syrian crisis, also consulting with settlement service providers regarding planning and the allocation of resources.

**Recommendation 5 – Regional composition of the Program**

The Australian Government should ensure that resettlement from Africa and Asia continues at a rate appropriate to the scale of need, with the Africa program making up at least 25% of the offshore program in 2016-17.

**Recommendation 6 – Composition of the program by visa subclass**

The Australian Government should:

(a) implement measures to ensure greater diversity in settlement patterns under the offshore component of the Refugee and Humanitarian Program (such as adjusting the balance between visa subclasses); and

(b) review the adequacy of funding for settlement services for those arriving on a Special Humanitarian Visa (class 202).

**Recommendation 7 – Community Proposal Pilot/Community Support Program**

The Australian Government should:

(a) substantially reduce the Visa Application Charge associated with the Community Support Program, and replace this with an Assurance of Support designed to cover the costs of providing settlement support within the first 12 months of arrival in Australia;

(b) increase the size of the Community Support Program significantly, including by expanding the geographic reach of the Program to ensure that it is available nationally in both metropolitan and regional areas;

(c) ensure that humanitarian need remains the primary criterion for processing priorities under both the Community Support Program and the Special Humanitarian Program;

(d) ensure that the Community Support Program includes a “safety net” mechanism to protect those sponsored in cases of emergency or relationship breakdown; and

(e) break the numerical link between the Community Support Program and the offshore Refugee and Humanitarian Program, providing a positive incentive for communities with financial means to work together to create resettlement opportunities which otherwise wouldn’t exist.

**Recommendation 8 – A new approach to humanitarian family reunion**

The Australian Government should:
(a) allocate at least 5,000 visas under the family stream of the Migration Program for refugee and humanitarian entrants. These visas should offer the following concessions: concession rates or waivers for Visa Application Charges; exemption from certain documentation requirements and the health requirement; prioritised processing if family members are at immediate risk; access to relevant settlement services; and exemption from Centrelink’s Newly Arrived Resident’s Waiting Period;

(b) introduce needs-based concessions under the family stream of the Migration Program for people who are sponsoring relatives in humanitarian need and are able to meet some, but not all, of the eligibility and documentation requirements for family visas; and

(c) conduct a consultation with refugee communities, practitioners involved in providing support with family reunion applications and other relevant stakeholders, to develop a process for assessing eligibility for the concessions referred to above.

Recommendation 9 – Other measures to support family reunion

The Australian Government should:

(a) significantly reduce existing processing times for family reunion applications;

(b) improve its procedures for communicating with visa proposers and applicants about progress with the processing of applications;

(c) restore funding for professional migration advice services under the Settlement Grants program;

(d) expand the no-interest loan scheme administered by the International Organization for Migration Extend and extend eligibility for the scheme to refugee and humanitarian entrants sponsoring relatives under the family stream of the Migration Program;

(e) review the definition of “family” used to assess and prioritise family reunion applications to bring it into line with the definition used in UNHCR’s Resettlement Handbook; and

(f) remove current restrictions on family reunion for refugees who arrived by boat.

Recommendation 10 – Exploring alternative migration pathways for refugees

The Australian Government should bring together representatives of business, the education sector, civil society, refugee communities and UNHCR to discuss alternative pathways for refugees to enter Australia, including through the skilled, student and family streams of the Migration Program.
5. PEOPLE SEEKING ASYLUM

The Refugee Council of Australia published a report in December 2015 which provided rich detail on the community views on Australia’s asylum policy expressed in the previous year.85

Significant changes occurred in Australia’s asylum policy in late 2014 and 2015, particularly in relation to those who arrived by boat in Australia after 13 August 2012. For these people, a new refugee status determination process (known as “fast tracking”) was introduced, permanent protection visas were replaced by Temporary Protection Visas and Safe Haven Enterprise Visas and work rights were granted or in the process of being granted for those still on Bridging Visas.86 There were also important bureaucratic changes, including the creation of the Australian Border Force and the amalgamation of administrative review tribunals, including the Refugee Review Tribunal.

Also in the 2014-2015 financial year, the Status Resolution Support Services (SRSS) program replaced services previously delivered as part of the community detention program, Community Assistance Support (CAS) program and Asylum Seeker Assistance Scheme (ASAS). This change involved transitions to new service providers as well as changes to the Departments involved in administering the program.

Unfortunately, there was no major change to Australia’s policy of offshore processing on Nauru and Manus Island in Papua New Guinea and turning back of boats. There were some changes within these overarching policies, including a new agreement for recognised refugees on Nauru to opt to relocate to Cambodia. However, only a handful of refugees participated in this scheme. Nauru transitioned to an “open centre” arrangement in 2015.

Most refugee status determinations on Nauru were finalised in late 2015, although most refugees continue to be housed in the detention facility Nauru due to insufficient accommodation. There were also reports of sexual abuse and other threats to the safety of those in Nauru. In late 2015, Papua New Guinea finally adopted a resettlement policy but only a small number of refugees had been recognised and moved to a transit centre.

5.1. AUSTRALIA’S CURRENT ASYLUM POLICIES

5.1.1. General feedback on asylum policy

*It took me a long time to feel that I was a part of this country and I feel now about this country … it was very hard, very hard, to feel that you belong here or there was hope. But we got out of that. And now my life is dedicated to working with young people and stuff but you hear the stories coming out and I want to rip my citizenship up. Why did I become a citizen for? I left a dictatorship not to come to a country where they’re going to dictate people’s freedoms.* Young person

As in previous years, participants in RCOA’s annual consultations continued to express significant concern at the general direction of Australia’s asylum policies. Recurring themes included: the clear shift away from protection towards deterrence and punishment; the failure to live up to Australia’s obligations; the failure to appreciate the global picture and the drivers of forced migration; and the increasing secrecy shrouding Australia’s asylum policies.

Refugee community members and service providers alike expressed strong feelings of frustration, anger, and shame at Australia’s asylum policies. Many spoke of the need for Australia to respect human rights and to demonstrate compassion and empathy with the plight of refugees, and many reflected on the global nature of the crisis. Others spoke of their feeling of outrage and helplessness:

*It is unacceptable, horrific, I feel enraged. We can’t allow our government to let people die, be killed and killed themselves and their children being abused in our country. There is such an abuse of human rights and decency. I think that it enraging not to be able to do anything in a first world democratic country.*

Some people did, however, note positive examples such as the Sydney Alliance’s Change the Conversation program which had reached 3,000 people. One refugee community member reflected on how he had been touched by the gifts of ordinary Australians while he was on Nauru.

Other themes included the lack of political leadership, the need to engage in refugee policy as international citizens, the damage to Australia’s reputation, and the contribution of refugees to Australia. A number of service providers reflected on how the punitive nature of Australia’s asylum policy fundamentally undermined the principles of delivering human services.

A number of participants raised the counterproductive effects of asylum policy on social cohesion more generally. Service providers noted that a new generation of disaffected were being generated by the harsh conditions imposed on asylum seekers, which was likely to foster resentment towards the Australian Government. For example, people on temporary visas observed that restricting access to education would make it difficult for them to become full economic citizens.

5.1.2. Offshore processing, turning back boats, and deportations

*But now that the boats have stopped, why should offshore processing continue? The whole idea was to deter people from coming, from getting in a boat. But that was done. Now, by keeping these guys out there, it’s a punitive act. Is it just to punish those guys who came at that time? Or is it to tell the world that we are the most cruel?*

— Person from the [Tamil] community

There was unanimous opposition to the policy of offshore processing by those who addressed the issue. The policy prescription for many was simple: end it. There was no justification for a policy which was, in any event, unsustainable. The high human and financial cost of the policy, and its consequences for mental health in particular, were frequently raised. Some reported that staff employed in Nauru were also being traumatised. Another theme was the secrecy surrounding offshore processing and the turning back of boats.

Refugee community members expressed significant fear of the risk of deportations. Media comment on the possibility of an agreement for Iran to accept involuntary returns caused real anxiety among refugee community members, including Afghans who had been living in Iran. They expressed fear of torture and renewed persecution, and concern about the impact on children who had lived in Australia most of their lives. As well, concerns were expressed about Australia’s deportations of Hazaras and Tamils to countries where they continued to be persecuted.

5.2. IMMIGRATION DETENTION

A very significant theme raised in consultations was the increasing severity of the policy and practice of immigration detention, including in offshore detention. During 2014-2015, there were significant changes in the practice of detention, with a steep decrease in the use of community detention and welcome reductions in the numbers of both children and people in closed detention.

*Table 9: Key onshore detention statistics, December 2014 and December 2015*

<table>
<thead>
<tr>
<th></th>
<th>December 2014</th>
<th>December 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total people in closed detention</td>
<td>2,757</td>
<td>1,792</td>
</tr>
<tr>
<td>Children in closed detention</td>
<td>420</td>
<td>91</td>
</tr>
<tr>
<td>Total people in community detention</td>
<td>3,097</td>
<td>603</td>
</tr>
<tr>
<td>Children in community detention</td>
<td>1,556</td>
<td>329</td>
</tr>
<tr>
<td>Total people on Bridging Visa E</td>
<td>25,569</td>
<td>28,919</td>
</tr>
<tr>
<td>Children on Bridging Visa E</td>
<td>2,205</td>
<td>3,983</td>
</tr>
<tr>
<td>Average number of days in closed detention</td>
<td>438</td>
<td>445</td>
</tr>
</tbody>
</table>

However, the average length of detention in Australian centres has remained alarmingly high, having remained at well over a year since August 2014.

Figure 2: Average number of days in closed detention, January 2013 to December 2015

Those consulted, especially community members, overwhelmingly expressed opposition to the rationale of Australia’s detention policy. Others emphasised the lack of transparency in detention. The introduction of the Border Force Act, the limits on media access to detention centres in Australia and offshore, reductions in access to visiting arrangements and outside visits, and the lack of independent oversight of health care in detention (including for those with disabilities), were all barriers which affected public understanding of detention.

5.2.1. Re-detention

Both refugee community members and service providers expressed concern at the practice of re-detaining people living in the community. People were reported to be re-detained with little notice and transferred interstate, isolating from their support networks, family members and disrupting counselling. To many, the practice appeared arbitrary and included re-detentions of pregnant women and children in school. Such a practice spread fear widely among a community.

Those who are out in the community that are just very scared, and any moment they can just be taken. There’s no consideration whether it be families or individuals. So a young person, being taken out of school. There are teachers approach us asking, “where’s his family?” and obviously we have restrictions about what we can say. So that has a big impact on the community.

— Service provider

At least some of these detentions appeared to have been the consequence of the Minister cancelling visas on the grounds of a person being charged with an offence. This enlivens the power of the Minister to cancel visas on the basis of a person failing to sign and comply with a Code of Behaviour. The trend of detaining people once they had been charged with committing an offence (as a consequence of a visa being cancelled) caused considerable disquiet. It was reported that people would turn up to court for a charge and be taken into detention, and it was often unclear on which grounds they were detained. People were sometimes detained for minor offences such as driving

offences and even parking fines, partly because of a lack of education about such laws, and often for disproportionate periods of months and even years. As one service provider of mental health services noted, it also placed caseworkers in a position of conflict in cases of domestic violence, where the duty to report such incidents conflicted with their belief that detention would ultimately be worse for the families.

5.2.2. Other issues
Access to healthcare in detention, particularly psychiatric care, was raised as a significant problem by service providers. The prolonged nature of detention was increasing the likelihood of mental health issues and increasing the likelihood of people acting out. This could lead to drastic legal consequences, as visas could be cancelled.

Some stakeholders raised the long-standing issue of those who had received adverse security assessments, some of whom had been in detention for six or seven years. While many had left detention on to temporary protection, no provision had been made for their transition from long-term detention. Meanwhile, there remained a small number who did not know why they were not being released and who, people feared, would be forgotten.

5.3. MENTAL HEALTH

_We assist survivors of torture and trauma. By the time they arrive, it's too little too late. After a thousand days in Nauru, three thousand days in Christmas Island, by the time they come through to be treated, it is too little too late._

— Torture and trauma counsellor

Throughout the consultations, people expressed great concern at the mental health of people seeking asylum, both in the community and in detention. People seeking asylum are already highly vulnerable, given their past experiences of persecution and the challenges of adapting to a new country. This was compounded by a very real fear of return to their home countries:

_You know that man who set himself on fire in Dandenong? That could be any of us. If they send me back to Afghanistan someone else will do it to us there anyway, better to do it here. People will harm themselves rather than go back. I would rather kill myself because I can't bear to see my children tortured in Afghanistan._ [through interpreter]

— Woman from an Arabic-speaking background

Further, the separation of people seeking asylum from their families and the effects of Australia’s asylum policy were other major factors impacting upon mental health. A particular issue of concern was the prolonged period of uncertainty due to the delays in processing asylum claims. As a Tamil community member said:

_Once they have been processed and given permanent residency, then they have a focus, they can settle down, they become calmer and they have a future. Now, they live every day as if it’s their last day. They live in fear of being sent back. It’s a terrible way to live._

A high priority for a number of refugee community members was access to mental health services in the community. They raised concerns including: the waiting time to get counselling; limitations on the quantity and period of the sessions; the community no longer being able to refer people to mental health services; and the lack of access to mental health services other than torture and trauma counselling. This inadequate access also places a very significant burden on the communities supporting them. Some service providers also noted that many were probably not accessing mental health services because “they're just trying to get their map planned out. When they can breathe in and breathe out that's when they’ll see.” Stakeholders in some States commended the Victorian model of a refugee and health asylum seeker program as something that needed to be replicated nationally.

Counsellors were also despondent about their inability to help change the underlying situation:

_[T]he basic essential [of the counselling framework] is about establishing safety but asylum seekers don’t have that. Being told that they will never have permanent protection in Australia, where can you start in terms of recovering when that is everything in their world to begin with._

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This means I will never see my family again unless I return to the place where I was tortured and where I fled from. … We might provide a connection, like any service can, a connection with people and establish some trust with them and advocate in some areas but there’s basically nobody that really can help. It’s pretty awful.

5.4. ASYLUM SEEKERS IN THE COMMUNITY

People who are living without accommodation, without any ID, especially refugees and asylum seekers…they are like a pigeon without wings. They can’t fly. They can’t work. They can’t get access to Medicare. They can’t get proper access to healthcare. They can’t get anything. They are hopeless.

— Afghan community member

There was overwhelming concern by service providers and refugee communities about the welfare of people seeking asylum in the community from service providers, and the multiple challenges they faced. These challenges included uncertainty around the processing of their claims, poverty, barriers to accessing services, unemployment and lack of educational options, and poor physical and mental health. Despite the odds, however, there were reports that some people at least were succeeding:

The things that we talk about that happen to asylum seekers – detention and punitive policies and all these things – are all very negative but despite all of that, there are some little pockets of settlement that are flowering. They so much want to part of it and contribute. You’ve got a young person who has got an employer, got a talent, who is very keen to study – these things are coming together despite there not being a system for it to happen.

5.4.1. Destitution

The vulnerability of asylum seekers without income support was a frequent topic of discussion. Poverty had enormous consequences on all aspects of their lives. For some, it meant “missing meals to feed the children” or eating poorly. For many, it resulted in extremely overcrowded housing. Poverty could also lead to drastic legal consequences. Legal providers were concerned that their clients were not “well enough to give [them] instructions” because of hunger.

Transport costs were raised as a significant impediment to access to services, employment and other social integration. Service providers noted the inhibiting factor of transport costs on their ability to support clients:

With the clients, there is that stress on transport. So if it’s $12 to spend on a train ticket to see your Case Coordinator or it’s $12 to buy food for your family, I know which opportunity they’re going to be taking.

— Service provider

Some service providers had sought to overcome this problem by picking clients up, but this was obviously costly. The alternative of not paying transport costs could have very serious consequences:

If they don’t pay for their train trips, they end up with a visa cancellation. We are setting them up to fail in awful ways.

— Service provider

There was praise for the initiative of the NSW Government in introducing transport concessions (following an earlier concession introduced in Victoria, Tasmania and the ACT). Stakeholders in Queensland continued to nominate the high cost of transport costs as a priority.

5.4.2. Employment, education and mainstream services

In late 2014, the policy preventing those on Bridging Visas from working was reversed. This change in government policy was widely welcomed:

[It] made an enormous difference to the lives of individuals when they got work rights. An enormously positive story at the end of something quite punitive. When they do get work rights, what we see is that not everyone can get work. They might be too distressed; they might not
speak English; they might not have the skills. But there will be many people who will fly straight into paid employment. That’s been very moving, to see it play out in real life, particularly among Tamil clients. They were so desperate to participate and contribute within society somehow, and now they are. That’s just a wonderful thing.

— Service provider

It was noted, however, that the granting of work rights had been an unduly lengthy process and that the gap between granting work rights and getting work remained very significant. One service provider’s survey of its clients revealed that 35% of those with work rights were not able to work (for reasons including physical/mental health issues, or being a single parent with an infant), while 47% were undertaking training or job searching. As one service provider noted, the granting of work rights was a “shift in the right direction but requires a lot of support from the wider community in order to make that convert and work for the client”.

Several of the barriers for people attempting to gain work were the direct result of government policy. These people were often unprepared for getting a job because they had been excluded from education and employment for years. Another barrier was that many bridging visas were being renewed only for three months, making it difficult for employers to invest in employing a person. Others included: the limited access to mainstream employment services, which were inadequate for the needs of the group; the barrier of work experience regulations; and the lack of clarity regarding work rights and visas which required employers to verify work rights themselves.

In some cases, barriers were created by poor administration, with one case of a person missing out on a job because the Department failed to notify her that work rights had been granted. Some barriers were caused by poverty, such as the difficulty of obtaining affordable child care. Others were consequences of being in a foreign country, such as cultural differences in employment practices (such as obtaining an ABN) and the lack of interpersonal networks.

The vulnerability of asylum seekers to workplace exploitation remained a real issue. Community members reported that many were driven to working in cash in hand. Service providers reported that female asylum seekers were still being sexually exploited by their employers, because of their fear of going to the police.

People seeking asylum also faced some barriers to education in addition to those faced more generally (see Sections 6.1.3 and 6.1). For example, children (especially those in detention) suffered enormous stresses as a result of the process of seeking asylum which affected their ability to engage with education. Service providers expressed strong frustration at the extremely limited access to English language tuition for people seeking asylum. Those on bridging visas were eligible only for a limited curriculum which excluded any references to settlement, undermining the purpose of the Adult Migrant English Program.

Service providers also discussed challenges faced by people seeking asylum in accessing services. A major difficulty that affected service providers in 2014 had been the disrupted access to Medicare through delays in the renewal of bridging visas, although this issue appeared to have reduced in impact in 2015.

Another concern was the strain placed on emergency relief procedures by asylum seekers without access to any income. It was reported that there had been a significant increase in the numbers accessing UnitingCare’s mainstream emergency relief and specialist services. In at least one area in NSW, community members had been greatly affected by the rerouting of emergency relief funding to organisations without an existing footprint in the area, and which were less familiar with the unique and complex needs of people seeking asylum.

Another difficulty was the variation between entitlements for different categories of people seeking asylum. Communities and schools, for example, “don’t understand why this child gets to do this, and this child doesn’t” — and service providers themselves struggled to keep on top of the differences in entitlements.

5.4.3. Status Resolution Support Services (SRSS)

In 2014-2015, the Status Resolution Support Services (SRSS) program replaced services previously delivered as part of the community detention program, Community Assistance Support (CAS)
program and Asylum Seeker Assistance Scheme (ASAS). Under SRSS, services are delivered to people seeking asylum under six bands.

It was reported that the transition to the SRSS had involved a tightening of eligibility criteria, which had “contributed to a rise in people living in destitution at the primary stages”. As well, applications for SRSS were refused without clear or logical explanations. Concerns were also raised by service providers about the eligibility criteria and the complexity of the assessment process.

The main concerns regarding SRSS involved the rise in caseload allocations, the increasingly complex caseload in Band 6 and decreasing contact. The caseloads were “huge” compared to other programs:

*We’ve got people with caseloads of 50 – cases, not clients, sometimes their cases are made up of 90 or more individuals. That’s huge caseloads to be working towards and doing an effective job and meeting my KPIs and the Department’s KPIs and all of those things that I demand of my staff.*

— Service provider

Further, the bands did not accurately reflect the complexity of the caseload, with SRSS providers indicating that the “light touch” approach for Band 6 clients did not reflect the complexity of the issues facing these clients.

This new “light-touch” approach was also impacting staff, who had gone from regular face-to-face contract to a monthly phone call with their clients. It was noted that the Red Cross, in a public report, reflected that it was only the dedication of their staff to go above and beyond the contract that had enabled them to meet expectations. Service providers recognised that the contract did not meet the need, that the program was underfunded, and failed to recognise the need for face-to-face contact.

The model also failed to include any capacity for outreach, which adversely affected families including those with new babies. One service provider gave as an example:

*We’re supposed to contact our clients once a month over the phone and every three months face-to-face. For example, we had one client we called one month, she didn’t answer. We called the next month, she didn’t answer. We made an appointment in the third month, and she didn’t attend. We could’ve exited her, but we decided because she had children that my staff would go and knock on the door. But we don’t get funding for that.*

— Service provider

The under-funding of the program was resulting in other departments and organisations picking up the slack, or alternatively failing these vulnerable people. The costs were ultimately imposed elsewhere and made “invisible”.

Another difficulty had been the mass grants of people moving from community detention every few weeks, with the result that caseworkers were trying to get housing with very little notice. However, the move away from community detention was welcomed.

The transition of clients between service providers following the move to SRSS had been, in the words of one person, “lumpy”. However, another expressed the view that, at least in his experience, “people are happy with the service they’re getting” in terms of casework, although it was also acknowledged that people “who are not getting their needs met might not be engaged as much”.

Specific concerns were raised about the transition. This included the involvement in the new system of the Department of Human Services and the difficulty of dealing with an unfamiliar and complex bureaucracy:

*If you have little experience in receiving a payment through DHS or working with them previously, it’s really hard to understand the lingo and the terminology that they use and then translate that in a way that makes sense for your client to understand. A lot of the time, the client is having difficulties with engaging with Centrelink for various reasons, such as the long wait times and things like that, so often it becomes the role of the Case Coordinator to translate that information and make it understood as to what they need to do to engage with DHS to get the payment.*

— Service provider
Further, communication was now done

_with an inbox, you are not talking to a contract manager, so there is a greater distance, there is a negative. It is always an email, as opposed to HSS where you can talk to a contract manager, and advocate for your clients and their situation – you have to advocate through an inbox._

— Service provider

There were also reports of delays of several months before the Department of Immigration provided the information required for SRSS service providers to pay clients: Other concerns included the new portal system, described by one person as the “least user friendly system in the world”, and criticised by others as not providing timely and reliable information. Service providers also reported frustration in trying to access the Department of Immigration:

_You don’t know what section’s doing what, what email’s doing what. Sometimes we get an email back from someone [complaining] that this is the wrong email and you should be sending it to the correct [one], well would you like to give us the correct one? Because you’ve got so many thousands of emails now and nobody’s sent us a list of how to contact, who to contact._

— Service provider

## 5.5. REFUGEE STATUS DETERMINATION

_I don’t know what they mean by this “fast-track” process. For me, this is the slowest track!_  

— Person seeking asylum

In December 2014, the Australian Government amended legislation which dramatically changed the process of refugee status determination and the definition of refugee, as well as reintroducing temporary protection (see further Section 6.1).

Most asylum seekers in the community have experienced prolonged delays in resolving their claims for protection. Those who arrived by boat after 13 August 2012 were not even able to apply for protection until July 2015 (see table below), when the Australian Government finally began processing their claims under the new system of refugee status determination known as “fast track processing”. However, the process remained far from fast, with the first group being “invited to apply” in the last half of 2015, and only a handful of applications being determined by the end of 2015:

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<tbody>
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<td>People who arrived by plane</td>
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<td>7,063</td>
<td>8,480</td>
<td>9,688</td>
<td>8,587</td>
</tr>
<tr>
<td>People who arrived by boat</td>
<td>5,174</td>
<td>7,373</td>
<td>8,443</td>
<td>1,007</td>
<td>261</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>11,511</strong></td>
<td><strong>14,436</strong></td>
<td><strong>16,923</strong></td>
<td><strong>10,695</strong></td>
<td><strong>8,848</strong></td>
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### 5.5.1. Access to legal advice and assistance

The introduction of “fast track processing”, which involved numerous changes to the refugee status determination system, coincided with the removal of most government-funded legal representation for those who arrived by boat. As a result, a major theme of the consultations was the wholly inadequate access to legal advice and assistance, and the enormous strain this had placed on people seeking asylum and service providers.

For most asylum seekers, paying for their own legal representation is not possible:

_We get $420 a fortnight. $300 goes towards rent for the share house. That leaves $120 for all other expenses. How can we afford legal representation? While they are waiting for their claims to be processed, they are so depressed and traumatised that they turn to negative coping strategies (e.g. alcohol, smoking). [through interpreter]_

Access to legal representation varied around the country, with Queensland, WA and the Northern Territory being particularly badly affected. Even in Victoria, however, service providers reported significant backlogs and voluntary organisations and service providers were being required to

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89 DIBP annual reports 2010-11 to 2014-15.
support clients without legal representation. Some in Queensland reported that clients were moving interstate in order to access legal advice. Even worse was Christmas Island, where there is no real access to legal assistance.

Those in detention centres faced particular obstacles. For example, some found it difficult to obtain their own identity documents, which were held by the property section of the centre. This made it difficult for even lawyers to obtain them in order to certify copies.

One counsellor raised the issue of the particular impact of this on torture survivors:

I find that heartbreaking because they can't tell their story without assistance. There are many torture survivors in this legacy caseload group, and the whole experience of being a torture survivor is about having your agency taken away from you. That reverberates down your life in all kinds of ways, but it makes it very difficult to tell your story to a migration official. Especially when you don't speak English – that's another barrier, speaking through an interpreter. The thing about torture is it's humiliating. You don't ever want to tell anyone about it because it nearly destroyed you as a human being. … The whole system has been set up against a torture survivor being able to succeed in telling their story, and I find that very sad.

A particular problem was that clients were left without any assistance in filling in the complex application forms. Legal services providers were forced to adapt approaches including increasing the number of volunteers assisting with forms, but it was acknowledged that this was a compromise in many ways.

Another difficulty was that, for the first cohort, there was a lack of clarity about the differences between the Safe Haven Enterprise Visa (SHEV) and the Temporary Protection Visa. There was also confusion as a result of the fact that only one State (NSW) had opted in at the time the application process, causing many to believe they could not apply for the SHEV in other States. There was also insufficient dissemination of the requirements of the SHEV until later in 2015, such as the fact that a person did not necessarily have to live in a regional place, causing further confusion.

For many service providers, there was real frustration concerning access to the limited scheme of Primary Application Information Service (PAIS). This scheme provided legal representation to the most highly vulnerable. However, service providers continued to report that people in detention were not getting access to PAIS, despite assurances from the Department of Immigration.

The scheme excluded those who had any contact with a lawyer, which placed legal providers in a difficult position in terms of assistance. As well, there was considerable uncertainty about the criteria for eligibility, the process of decision-making, and how to provide feedback to the Department regarding a client’s vulnerability. The Department of Immigration did, however, provide some further written guidelines on this scheme late in 2015.

5.5.2. Impacts on social cohesion

Another issue raised was the counterproductive effects of asylum policy on social cohesion more generally. Service providers noted that a new generation of disaffected were being generated by the harsh conditions imposed on asylum seekers, which was likely to foster resentment towards the Australian Government. As well, refugee community members noted that the high risk of destitution meant many asylum seekers were left to consider whether they had to "do crime to survive".

The counterproductive effects of specific policies were discussed. Community members expressed concern about the effect of restricting access to education:

If they can keep themselves busy and occupied, they won't be getting into any trouble. … They have focus. They can achieve something, they have something to look forward to.

They don't have that much income to provide for their kids. Those kids are not going to go to school for a number of years until their parents become citizens, and then it will be too late for them to catch up with the others. They will become people who are not going to be supportive of the economy.

A number of service providers expressed concern at the counterproductive effects of the Code of Behaviour. The fear of being returned to detention, or returning others to detention, had the effect of inhibiting engagement with the legal system by people seeking asylum. Particular concerns were raised about people not reporting domestic violence as a result of the Code of Behaviour.
Changes in service delivery were also reported as having potentially significant adverse effects on social cohesion. For example, it was reported that in Fairfield that rerouting of emergency relief funding to new service providers had apparently led to “people travelling to out of area places of worship where they are offered monetary and material relief and simultaneously encouraged to adhere to more conservative religious practices”.

5.5.3. Other concerns

Service providers reported that under “fast track processing”, there was an enormous and entirely unrealistic emphasis placed on identity documentation. This reflected in part a failure to appreciate the realities of persecution, and in other cases, this reflected a failure to understand the cultural context. In many cases, the Department asked asylum seekers to prove the impossible. Sri Lankan Tamils, for example, were required to provide non-existent proof of arrests, confiscation of identity documents and birth certificates. Sometimes the requests came from incorrect information:

[The Department said:] “Well if you’ve been in Quetta from 2000 up until now it’s implausible that you would not have a PoR card, a residence card”. And we’re saying “why would that be implausible?” [Immigration] “Because they can’t live without them”…. [We say] “Yes they can, are you aware that the PoR cards were only issued after 2006?.” And they [Immigration] say “well we’ve got information” and we say “well our information is from UNHCR who actually produce the cards so where’s yours from?

Further, when the new “fast tracking” process began in 2015, many legal providers advised asylum seekers to request their own files from the Department of Immigration through freedom of information. However, a backlog meant that the Department initially developed an approach of sending letters back in essence refusing to supply documents to those not yet invited to join the “fast track” process. Some of these letters used threatening language which scared clients. As well, delays in returning freedom of information requests from those already invited to apply meant clients were applying for extensions, which caused them frustration and anxiety. While these delays were being reported as having been largely resolved by the end of 2015, the Refugee Council of Australia has heard that this issue may be returning in 2016.

Service providers raised a variety of issues in relation to refugee status determination. The very short timelines in which people are expected to disclose intimate information to an official; the need to ensure appropriate training of interviewers to deal with those who had suffered trauma; the removal of an independent merits review system; an increasing emphasis on internal relocation, and the persistent concerns about the failure of interviewers to appreciate the realities of persecution and the cultural context were discussed.

5.6. RECOMMENDATIONS

Recommendation 11– Mental health of people seeking asylum

The Australian Government and relevant State and Territory governments should

(a) as a matter of urgency, ensure adequate access to mental health services for people seeking asylum;

(b) ensure, as an urgent priority, adequate access to mental health services for people seeking asylum, especially those in detention; and

(c) convene an expert group to advise on the mental health of people seeking asylum.

Recommendation 12– Transport concessions

State and Territory governments should, if they do not already, provide transport concessions for people seeking asylum.

Recommendation 13 – Granting of work rights

The Australian Government should:

(a) improve its communication and processing in relation to the grant of work rights, both to people seeking asylum and to prospective employers; and
(b) renew bridging visas for a minimum period of a year, in light of the projected timelines for refugee status determination.

**Recommendation 14 – Status Resolution Support Program**

The Australian Government should:

(a) improve communication between service providers and relevant Australian Government agencies;

(b) review the usability and utility of the portal used in the SRSS program;

(c) review the SRSS program including, in particular, the issues of eligibility, the size of caseloads, the appropriateness of support available in the different bands including levels of contact and outreach; and

(b) review the complexity of the eligibility criteria for access to the program, and different levels of support within the program.

**Recommendation 15 – Access to legal advice and representation**

The Australian Government should

(a) ensure that all those in detention subject to the fast track processing are provided with full legal representation;

(b) provide a transparent mechanism for enabling people to provide information to support their need for government-funded legal representation; and

(c) immediately restore funding for legal advice and assistance for people who have arrived by boat.

**Recommendation 16 – ‘Fast track processing’**

The Australian Government should restore a single statutory system of refugee status determination for all regardless of the way they came.

If “fast track” processing is retained, the Australian Government should:

(a) improve its communication regarding key aspects of the scheme, including ensuring wide availability of information to people seeking asylum and those supporting them;

(b) include flexibility to extend timelines in cases of known vulnerability, such as for victims of torture and trauma, sexual violence and children;

(c) revise the complexity of application forms and ensure these are translated into community languages;

(d) provide clear guidance on evidence and identity documentation requirements, in consultation with UNHCR and country experts with expertise;

(e) invest resources to ensure timely processing of freedom of information requests;

(f) monitor, with the assistance of UNHCR, the quality of decision-making and interview processes; and

(g) publish timely information on the progress of fast track processing.

**Recommendation 17 – Immigration detention**

The Australian Government should:

(a) ensure that those in closed detention have adequate access to services and appropriate living conditions, including especially adequate access to health care including mental health services;

(b) improve communication and transparency in relation to detention of people on “character” or “behavioural” grounds;

(c) release refugees subject to prolonged indefinite detention, including those subject to adverse security assessments;
(d) adopt and enforce a policy to ensure alternatives to detention are considered to ensure immigration detention is used only as a matter of last resort; and

(e) amend legislation to ensure regular transparent review of detention and to prevent situations of indefinite detention.

**Recommendation 18– Offshore processing and boat turnbacks**

The Australian Government should, as a matter of urgency, abandon the policy of offshore processing and boat turnbacks.
6. POST-ARRIVAL SUPPORT

6.1. TEMPORARY PROTECTION

In December 2014, the Australian Government reintroduced temporary protection for people seeking asylum who had arrived by boat. Two new classes of visas (referred to here as temporary visas) were introduced: a temporary protection visa (TPV) valid for three years, and the Safe Haven Enterprise Visa (SHEV) valid for five years. Both visas deny access to family reunion. A key difference between the visas was that, if the person holding the SHEV visa met certain requirements, including working or living in a designated regional area without access to certain welfare payments for a specified period, the person could apply for a migration visa, although not a permanent protection visa.

Participants across Australia expressed significant concern regarding the temporary nature of TPVs and SHEVs, noting that they create significant anxiety and stress for many people. As highlighted last time TPVs were introduced, temporary visas significantly impede a person's ability to settle, as the temporary visas create barriers to long-term employment, education, community connections and family reunion.

The temporary nature of TPVs creates uncertainty that hinders people from focusing on settlement issues as many have ongoing trauma relating to their uncertain status. Without the certainty that they will be safe in Australia, there is a concern that people will not be able to focus on building a new life in Australia. Participants noted this “limbo” is a further form of trauma and impacts on people’s ability to receive adequate torture and trauma counselling.

Others noted that the temporary nature of the visas impacted on people’s ability to find employment. Many indicated that employers were confused by TPVs and SHEVs, and some indicated employers were put off by these visas because of a lack of understanding of with some saying that employers do not want to employ someone with a TPV as they do not know their rights and obligations. Further, the temporary nature of the visa means that employers do not want to invest in training those who may face deportation in a few years.

Temporary visas also significantly contribute to mental health. A number of participants highlighted the mental health impacts from the previous iteration of TPVs. One participant noted a study in 2006 which shows that TPV holders suffered significant mental health issues compared to refugees on permanent visas, leading the authors of the study to conclude that TPV holders experienced “persisting and wide-ranging mental health problems and associated disability”. Others noted the significant financial costs that these mental health issues create in the sector, highlighting that this policy actually have many unhidden costs that will last for many years.

6.1.1. Denial of family reunion

The denial of family reunion was raised as a particularly punitive and harsh policy. As discussed above in Section 4.5, family reunion is essential to support successful settlement and address mental health. As highlighted previously, the denial of family reunion undermines people’s ability to recover from trauma, move on with their life, gain employment and contribute to Australia.

As many participants highlighted, people are unable to move on until they are reunited with their family:

These people have already been here for five years without their families…now they will never see their family...How can they suggested this is a democratic country? They should put themselves in their shoes and think about this situation.

A number of people highlighted the severe mental health impacts of family separation. This trauma is especially acute as many have family members in areas of conflict or facing persecution. Service providers highlighted the additional pressures this policy will place on mental health services, resulting in increasing costs for the government:

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Mental health impacts of family separation/disruption are enormous. It makes no economic sense. While it may be about disincentive and punishing, doesn’t make sense if down the track people are hospitalised. What do we really mean by that? Going to punish these people so that other people don’t come?

6.1.2. Access to services

Service providers highlighted that refugees who are granted TPVs or SHEVs have very limited access to settlement services. Many expressed concern that the lack of support services will hinder settlement outcomes and create prolonged issues. As one written submission noted:

We believe it is counter-productive to restrict access to settlement support services for temporary humanitarian visa holders, as this will significantly inhibit the settlement of these visa holders and create additional difficulties for them and for services working with them over the longer term. It is likely to place increased pressure on the few services those on temporary humanitarian visas will have access to, such as torture and trauma survivor rehabilitation services, and services may need to expand their activities beyond what they are funded for in order to try and fill the gap in service provision. It will also put pressure on unfunded refugee community organisations.

Many called for TPV and SHEV holders to have access to the support available under the Humanitarian Settlement Services programme. They noted that preventing access to basic services will further hinder employment outcomes, costing the government more in terms of welfare payments and other vital services. As was stated in a written submission:

People are talking about employment, I’m not sure if they’re including refugees on TPVs in that discussion. But just the fact that TPVs aren’t eligible for HSS. I think it’s a really alarming thing. Previously from our experience of service 866 visa holders, the issues we face would presumably be the same as TPV holders and they can be quite complex … The lack of access to [support] services, it really leads to undue pressure on other services such as crisis services. If you don’t have that initial support or ongoing support, I think that just leads to crisis. That is really undesirable … We will spend the money now, or spend the money later on crises.

Participants also expressed concern with the TPV and SHEV holders only having access to the lowest level of support through Jobactive. These people will only be able to be given access to stream A – providing very limited support to people who would likely require intensive assistance.

Service providers also expressed concern that TPV and SHEV holders will not have access to the NDIS. This is especially significant as the NDIS is beginning to replace state-based disability services, meaning that refugees on TPVs and SHEVs are likely to be denied access to essential disability services.

Participants welcomed the news that TPV and SHEV holders will have access to 510 hours of the Adult Migrant English Program (AMEP), as well as the Skills for Education and Employment (SEE) program and Complex Case Support (CCS). However, they noted that denying access to other essential services would stretch these services beyond their funding or capacity.

Service providers working with people seeking asylum also expressed concern at the lack of transitional support for people being granted a temporary visa. Service providers noted that many people were confused about the impacts of a grant, and considered the Department of Immigration should improve its advice and support for those being granted temporary visas. As one service provider in Tasmania noted:

The people who are potentially going to be impacted by visas, there is a gap of information given to them. The Immigration Department has said to them “here is your bridging visa, now off you go” … Those people would be very confused.

Another service provider in Victoria echoed these concerns:

And we’ve got one SHEV holder in our community and as soon as his SHEV visa was granted that day, he was cut from the SRSS program — just gone…You don’t get the advance notice anymore … Very sad, even after this occurred he came back for more help. And of course we gave it to him. We’re not going to turn people away, within reason. So it’s all that goodwill. And if there’s mass grants, mass intakes at the same time, that will just double caseloads like that.
6.1.3. Access to education

While temporary visa holders will have access to AMEP, neither they nor people seeking asylum (such as those on bridging visas) are eligible for Federal Government programs designed to assist students with financing tertiary study, including higher education loans schemes such as FEE-HELP and HECS-HELP and Commonwealth Supported Places (CSP). Further, most people seeking asylum and refugees on temporary visas are unable to access concession rates for TAFE from states and territories. Without Government support, people are forced to pay international student rates to attend TAFE and university. The costs of these fees can be in the thousands of dollars effectively preventing them from furthering their education. As one service provider in the ACT highlighted:

*If you have someone on visas who wants to access tertiary education, they have to pay international student fees. It’s wrong. Something should be done about that. Somehow they need consideration. They can’t afford the international student fees. Organisations can’t pay for them either because they’re enormous. Without scholarships they can’t access tertiary education.*

Young adults leaving school were “very despondent” about this obstacle. Service providers expressed frustration at the difficulties of finding education pathways for young people:

*We’re busting our gut trying to create [education] pathways for people. … The emphasis in discussions around that will often be on gifted young people, or very smart young people who people will put effort into finding university places for, which we have also done. But there are a lot of other stories there of young people who need vocational training or further English support.*

Participants also expressed concern that refugees on temporary visas can only access income support through Special Benefit, rather than through other income support programs such as the Newstart Allowance, Youth Allowance or Austudy. Special Benefit payments, however, are limited to those undertaking a vocational course that is likely to enhance their employment prospects which can be completed in 12 months or less, and are therefore not available if refugees seek to study for longer than 12 months.

This policy also affects those who are granted a scholarship from a university. This issue was highlighted by a university in NSW:

*There are a number of people at [our university] who have been trying to look at ways of obtaining fee waivers for students who are currently classified as international students. We have got a sense that there are a number of universities who are interested in that but are concerned what knock-on effect that has for the students, in terms of accessing income support. As such, even if a person receives a scholarship, the policy regarding Special Benefits will likely restrict them from accepting the scholarship.*

Participants also expressed concerns that impeding access to further education would undermine people’s ability to settle and find employment. Many argued that it will force those on a TPV to work in lower-skilled industries.

These barriers to further education have particularly significant implications for refugees on SHEVs. In order to apply for permanent residency, people with a SHEV visa must either work without receiving income support or be enrolled in full-time study for 42 months. However, this second option will not in practice be available to people seeking asylum if they have to pay international student fees without any access to loans or other subsidies. Further, it will very difficult for them to meet the requirement if they cannot study for more than 12 months without losing income support. Being unable to pursue further study will, in the end, also limit their employment opportunities, making it even more difficult to qualify for permanent residency.

Another issue arises for those on temporary visas in secondary schools. While policies vary between states and territories, many states allow young people to remain in schools until they turn 21, if they are enrolled in an accredited senior secondary course. However, refugee community members and service providers noted that many young people who are 18 years old are being told they are no longer eligible to attend secondary school and that they need to complete their secondary education through a TAFE provider. This obviously creates significant problems as people are unable to afford to continue their studies at a TAFE provider.

Teachers highlighted the difficulties with supporting young people through secondary school, as they were not able to provide adequate pathway planning and support to transition to further education.
Throughout high school, and increasingly into the senior years, there is a significant focus on planning for further education and employment. However, the advice and curriculum in schools does not take into account the limited options available to young people seeking on temporary visas, as they cannot pursue further education. Service providers commented on the need for schools to be aware of this issue and provide appropriate support to these young people:

Big issue coming up for ESL teachers is young people on temporary visas leaving school and not being able to access HECS and VET fee help. We try to support our students to go on and make good lives for themselves and make a contribution, and then they have to pay $15,000 up front to go to university.

6.1.4. SHEV requirements and regional settlement

Service providers and people seeking asylum both expressed concern at the SHEV requirements that require a person to work or study in a designated regional area for 42 months out of their five year visa. Many feared that regional areas are neither prepared nor funded to support people holding SHEV visa holders. As one service provider in Victoria highlighted:

The issue is in regional areas, are they set up to actually receive the clients? Is there infrastructure to support and receive? Is there going to be secondary movement? Are people going to be dropping out once they lose work? What happens in those regional areas? You’ve got health, education, social supports that need to be set up. Are they ready for that in those areas?

People seeking asylum also worried about the effect moving to a regional area would have on their existing support networks in the community. As one person from the Tamil community expressed:

When people first come here, we are all traumatised. We have now created a network in which we feel safe. We support each other in our trauma. Just when we have settled in our network, we are being asked to go to country towns. We fear that the whole thing will start all over again, the loneliness, the memories.

Others expressed frustration that the SHEV would require people to move into a regional area, even if there isn’t any employment available. Many feared that pushing people into regional areas without adequate employment services and support would mean people are actually less likely to find work. Participants noted that many regional areas do not have adequate employment opportunities, with many people leaving the region because the lack of work. Others noted that regional areas often only offered seasonal work on farms. Community members also expressed concern that the SHEV will lead to exploitation in the workplace, as people would be desperate to gain any form of employment in order to meet the visa requirements. Others were frustrated that people who have work in a metropolitan region will be required to leave that job to move to a regional area:

If somebody has an employment opportunity and they’re on a bridging visa but it’s not in a designated area, why would you deny them that process? So to have to move to a place and search for employment and then possibly go down the route of one day there might be the slim possibility of you getting some other kind of visa but the whole idea of having designated areas, why couldn’t you if you had a job opportunity in Dandenong that had the possibility of ongoing work and independence et cetera? Why would you not be able to stay there? This is my understanding of the visa, that it has to be a regional area, it’s just astounding. It doesn’t make sense.

Some expressed concern that the requirements of the SHEV visa would make it very difficult for most to apply for a permanent or other migration visa. Others were frustrated that a person on a SHEV visa could not be granted a permanent refugee visa. As one service provider in Victoria noted:

The concern about the SHEVs is also that, although if at the end of five years they have met all the requirements and are able to apply for a permanent visa, it will never be a refugee visa, so people have to always deny their experience. It is not a genuine refugee program, it is forcing people to kind of put aside their claims to protection, essentially.

Participants also called for greater collaboration between the Federal Government, State Governments and local governments, noting in particular that local governments could play a greater role in supporting SHEV holders in their region. As one service provider in NSW expressed it:
On a governmental level, there is no organisation in terms of speaking to their local councils, from what I've heard, about ‘this is how you can support these clients in various different ways’. There has been no coordination there. From what we're seeing, the expectation is on the service providers to actually go to that regional area and make that connection for some kind of warm transition. Otherwise, if we don’t do it, no one’s going to do it...We're not funded to do that kind of work outside of the SRSS space but it does need to be done for the welfare of the client. If there’s no work done there, then when the client goes out, they've got no kind of introduction to the area and no one to guide them in the right way. I think that’s something that the NSW Government and the local councils need to address.

6.2. EDUCATION AND ENGLISH LANGUAGE TUITION

As in previous years, education and English language tuition were identified as some of the most important issues for refugee and humanitarian entrants. Many participants pointed to the importance of education for successful settlement and emphasised the need to ensure education remains a settlement priority for new arrivals.

Across Australia, participants highlighted the fact that many refugee and humanitarian entrants arrive with a high level of skills and qualifications which are not adequately recognised in Australia. The Recognition of Prior Learning (RPL) process for many people remains ad hoc and expensive, with many community members consulted indicating that the high fees were effectively preventing them from continuing their profession. As noted in one written submission:

[City] receives many highly qualified and skilled professionals through the Humanitarian Program. In most instances the current recognition of prior learning system does not acknowledge this and when there are pathways to have these qualifications and skills recognised locally, the cost is a major barrier. A revision of the RPL system, paying specific attention to how refugee community members are currently disadvantaged is long overdue. In addition to a complete review we recommend a system whereby people are able to pay back any associated RPL costs once they are employed and their earnings are over a certain threshold. This system could be managed in a similar way to the HECS or Fee Help system taking a major burden off of the welfare system and allowing people to engage more fully and utilise existing skills and knowledge to contribute to Australian society.

Participants also noted the high cost of English language tests for those wishing to pursue tertiary education, as well as the lack of support available to those seeking to undertake classes for academic levels of English. This was highlighted as a significant issue for people who have prior formal education and wish to pursue further studies in their field.

Many also commented on the competing demands that people from refugee backgrounds face, with many stating that the pressure to seek employment so as to financially support their family often takes priority over education. There was concern that this could adversely affects future employment prospects. To address this issue, a number of people suggested that more flexible education and English tuition programs be developed to support those employed full-time.

In addition, many commented on the increased focus among Jobactive services on pushing people into employment, often to the detriment of English language tuition and further education. Service providers and English teachers noted that students are often forced out of formal education (including English tuition) by their Jobactive service provider and are told they need to look for work or complete another course for which they are not yet ready (see Section 6.3.1 for further information on this issue).

As in past years, participants continued to raise concerns about students being placed in primary and secondary education based on their age, rather than their level of educational attainment. This creates significant pressures on young people, who are unable to meet the same level as their peers. Other also expressed concern with young people who are over 17 being forced out of secondary school and instead being told to enrol in TAFE. Those consulted highlighted the need for specialist education programs for young people who have endured disrupted education because of their refugee experience.
In terms of English language tuition, many repeated calls for the 510 AMEP hours to be extended for those who require additional support, especially those who have not had any formal education and the elderly. Others expressed the view that home-based tutoring in the AMEP is ineffective and places additional pressures on students to “host” the home tutor. Participants instead called for additional funding for childcare so that those with family responsibilities are able to attend AMEP classes.

Refugee community members continued to express the view that English tuition programs would benefit greatly from having teachers or teacher-assistants from the same background as the students, especially for those with very low English skills. Many argued that having a teacher that only speaks English makes it very difficult for students to get a basic understanding of English, as there is no teacher who can explain the corresponding word in their language. Many argued that refugee community organisations should be funded to supplement the AMEP with a community-based English program.

Participants also commented on the significant delays in enrolling in English courses experienced by students. Many stated they were required to wait six months to enrol in AMEP classes, delaying settlement outcomes and access to employment. Some also noted the lack of adequate English language programs for those in regional areas caused by low settlement. Others stated that where student numbers were small, students with low-level English were required to participate in classes with higher-level students, resulting in inadequate lessons. Those in regional areas called for a review of funding to regional English language programs, so that AMEP providers in regional areas were not paid per student, but rather per class.

Participants also reiterated calls for TAFE funding to be restored by State Governments, as these cuts have reduced services and support for refugee community members. Others expressed concerns that the increasingly competitive tenders being used for the AMEP results in cuts to services and support for students, especially those from refugee backgrounds.

Community members and service providers also expressed concern with the ongoing prevalence of Registered Training Organisations (RTOs) marketing unsuitable courses and exploiting vulnerable students. Many expressed frustration that these providers are still prevalent, despite the fact that the problem has been raised over a number of years.

6.3. EMPLOYMENT

Employment was also highlighted as an ongoing concern facing many refugee community members. Participants often noted the high level of skills and qualifications that many people from refugee backgrounds bring to Australia and expressed frustration that they are unable to find suitable work that matches their previous skills and experience. As discussed above, many also noted the lack of programs to support the recognition of skills and qualifications from overseas.

A number of participants noted with concern the increasing push for settlement and English language services to become more employment-focused. Service providers argued that while employment is an important part of the settlement process, other issues, including English, education and housing should also continue to be addressed. Many expressed concern that the increasing focus on employment will leave other important settlement issues unaddressed, ultimately leading to poor settlement outcomes.

Community members and service providers highlighted the need for employers to conduct adequate induction to new workplaces, including Work Health and Safety and workplace policies. Many expressed concern about the significant number of people working in unsafe conditions without essential work safety measures in place. Others reiterated concerns with ongoing exploitation in some industries, especially as newly arrived community members are unaware of their rights in the workplace.

Participants highlighted the importance of work placement programs and other work experience programs. Many pointed to successful programs that provide paid work experience and training. These programs often led to further employment with the same employer or in the same sector. Participants highlighted that the success of these programs relied on networks and collaboration with
willing employers, as well as specialised service providers who understand the needs of refugee community members.

Another issue raised related to the requirement to obtain international police checks in order to pursue employment in childcare, aged care, education and other related industries. Some noted the difficulty, and often impossibility, of getting a police check from many countries, especially when people have fled persecution from those countries.

6.3.1. Jobactive employment services

Feedback gathered during this year’s consultations highlighted the failure of many Jobactive providers to respond to the needs of refugee and humanitarian entrants as a major area of concern. Many expressed frustration with the inability of Jobactive to support refugee community members, pointing to a lack of understanding of refugee issues, a lack of cultural competency (including skills in working with interpreters) and a failure to provide genuine and adequate connections to potential employers.

Numerous participants highlighted changes to Centrelink and employment services which have seen AMEP and Skills for Education and Employment (SEE) students taken out of English classes to complete job applications, attend Jobactive meetings or complete mutual obligation requirements. Numerous service providers reported a lack of appreciation among Jobactive providers for the importance of the AMEP in supporting newly arrived people to gain adequate English in order to be job ready. Service providers have indicated that Jobactive providers do not recognise enrolment in AMEP classes as a significant step in the settlement process and that these classes are not considered full-time education in the same manner as other courses.

Further, it was reported that many Jobactive providers are not referring people to the SEE program which can provide up to an additional 800 hours of English and employment training. The SEE program requires referral by a Jobactive provider, yet the feedback gathered suggested that many are unaware and misinformed of the program and its importance in the settlement process.

Numerous participants highlighted the impacts of changes to the job search requirement for those enrolled in a full-time English program. As one service provider in Victoria noted:

In the past, while they were doing AMEP, which was 15 hours a week, they were exempt from looking for jobs, because they were enrolled in AMEP. But students have now have pressure to look for a job, go on a computer and apply. In the last couple of weeks I have enrolled 20 mothers into a computer class and for every single one of them I have to use an interpreter. If it is their first time seeing a computer, you can only imagine how hard it is for them to apply for twenty-odd jobs that they have to in two weeks“ time… The Work-for-the-Dole has really impacted on people being able to stay in classes as well. There is broad understanding of the types of programs that are seen to be equal to the usual obligation and the SEE program is supposed to be. But there is confusion out there, people seem to be taking people out of SEE classes and sending them into Work-for-the-Dole. Unless they come and tell us, and we can fight that battle for them, they just compliantly go. It does seem to be a policy conflict. I think it is worse with the new Jobactive.

Other concerns were expressed that Jobactive providers were unaware of the low level of English many people arrive with and the impact it has on job seeking and employment outcomes. The feedback gathered suggests that many providers do not seem to value English tuition or understand its importance in accessing employment. Many people who are new to Australia do not have adequate English to write a resumé, participate in a job interview or understand the significant reporting and application requirements. This is also reflected in reports of Jobactive providers forcing clients to withdraw from AMEP classes and enrol in other training courses or apply for jobs for which they do not have adequate English. This change was linked to the fact that Jobactive providers do not receive funding to place people in education.

Various services providers across Australia highlighted examples of refugee community members facing pressure, even intimidation, from some Jobactive providers. This is especially significant when Jobactive providers have the ability to impose fines and other penalties on people. As one service provider in Tasmania highlighted, “I have at least one client who is terrified of going to an employment provider, just because the level of condescension and patronisation, no privacy and open aggression in some cases.” This was reiterated by a service providers in New South Wales: “The ones I’ve seen
they don’t do any training on working with people from refugee background, don’t have specialised staff, don’t know how to use interpreters. I have heard of staff being blatantly rude and being quite insulting. Looking down on them.”

Refugee community members also expressed frustration with the increase in reporting requirements which many find difficult to complete, especially if they have limited English or are not computer literate. As one young community member in New South Wales noted:

_They told me you have 15 hours per week. I have to work. My language is not very well. He told me, you need more practice your English to get a job, to be with us. It’s a big problem. Every time I go to [Jobactive provider] I didn’t find a job. It’s too hard, too much pressure for us. If you don’t do that, then your money will be cut off. Every two weeks I have to report. It was every three months, before it was two months, then one month, now it’s every two weeks._

There was also concern about the use of fines and other financial penalties in cases where people fail to meet their reporting requirements. People who have recently arrived in Australia have two reporting obligations – to Centrelink every fortnight and to their Jobactive provider at least once a month (more for those not enrolled in English classes). However, the feedback gathered suggested that Jobactive providers have not informed their clients of these requirements and have not reminded them when their reporting requirements are due. Instead, some providers immediately suspend payments for people if they fail to report on time. Jobactive providers can now also reduce people’s income support for missing appointments. This is especially problematic as Jobactive may schedule appointments without adequately informing the client or scheduling appointments during other important times, especially during English language classes.

People are severely affected by the suspension and reduction of payments. For many, it means they cannot buy food or pay rent and are forced to seek emergency funds from service providers. We have also heard that people have been threatened with eviction when rent is not paid in time. Often people do not know their payments are being delayed or suspended. Service providers have reported that the people they work with (many of whom are suffering from torture and trauma issues) often come into their offices distraught and confused as to why their payments have been cut. Often service providers have had to intervene directly with Jobactive providers to explain the situation and help people to rebook appointments in order to restore their payments.

Under the new Jobactive model, people seeking work are referred to one of three employment streams – A, B or C – with various levels of support. Service providers have expressed significant concern about refugee and humanitarian entrants being incorrectly streamed through this current system, meaning they are not receiving adequate support and may be inappropriately excluded from income support for periods.

Many service providers expressed significant concerns about the lack of specialised services under the new Employment Services 2015-2020 Purchasing Arrangements. The new arrangements under Jobactive removed all specialist providers that offer services specifically tailored to the needs of people from migrant and refugee backgrounds. These specialist providers offered much-needed additional support to address the specific and individual needs of people from refugee backgrounds. Participants believed that the loss of specialist providers will have a significant negative effect on refugee communities and increase dissatisfaction with the Jobactive model. It was felt that the move towards mainstreaming services will create further issues for humanitarian entrants and ultimately be ineffective and more costly.

Service providers also expressed concern that the lack of specialist providers is placing significant pressure on other services which are not funded to provide employment support, such as settlement services and refugee community organisations. Some service providers expressed frustration that the work they were undertaking should be the responsibility of Jobactive providers. As one service provider in Victoria commented, “if job services were doing their job properly, we wouldn’t need to fill the gaps and people wouldn’t fall through the gaps.”

Across numerous consultations, community members and service providers called for a specialist employment service to be established for refugee and humanitarian entrants. Many highlighted that successive mainstream employment services have failed refugee communities and without a specialist service, many more will risk falling into a cycle of unemployment. As noted in one written submission:

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_Australia’s Response to a World in Crisis: Community views on the 2016-17 Humanitarian Program_ page 73
The Jobactive system is highly standardised with limited flexibility and ill-equipped to meet the more complex needs of refugee communities. Locally there are countless reports of people being obligated to meet job-seeking requirements when they have barely mastered a conversational level of English. The Government should consider a new employment service specifically for humanitarian entrants comprised of staff that understand the social and employment needs of people from a refugee background. This would complement current HSS services [Humanitarian Settlement Services] and offer a form of specialised support beyond the current five-year period during which people are supposed to be settled.

Other concerns raised with regards to Jobactive included: the increasing focus on encouraging clients to completing reporting requirements, view appointments and apply for jobs online, which is difficult for many refugee and humanitarian entrants who have little experience of technology or for unable to afford the necessary technology; failure of employment services to adequately support those who have tertiary qualifications and extensive experience; and Jobactive providers referring clients for interviews despite the fact that they did not have the necessary experience or qualifications (for example, a person being sent to an interview for a security guard position when they did not have the required license).

6.4. PEOPLE WITH DISABILITIES AND OTHER HEALTH ISSUES

Many service providers noted that, because of changes to the health requirement for people resettled in Australia on humanitarian visas, there had been a significant increase in the number of people arriving with disabilities and other health concerns. While community members and services welcomed this on the basis that Australia should be taking in the most vulnerable, many commented on the inadequacy of funding and settlement support for those with a disability.

Service providers across Australia commented that newly arrived people with a disability faced significant delays in accessing basic services such as equipment, occupational therapists and specialist doctors. Unlike people who are born with or acquire a disability in Australia, people from refugee backgrounds who arrive with pre-existing disabilities have no service history in Australia. A person who is hospitalised after acquiring a disability in Australia, for example, would not be discharged until they had been provided with rehabilitation, seen an occupational therapist and been referred to relevant disability support services. This does not occur for people who acquired disabilities before arriving in Australia. As a result, they may have to wait for long periods before obtaining even basic equipment such as mobility aids. As one service provider from Victoria noted:

   The process at the moment is that once they come in you send them to the refugee health GP or yourself can refer to the local council occupational therapist. It’s usually three months or so for them to be able to come and make an assessment. And then when they come and make an assessment they put in an application for a wheelchair (or whatever it might be), that takes approximately a year, sometimes a year and a half…The thing that I think makes it hardest is that there’s no accelerated pathway for those clients who are without equipment.

Participants also expressed concern at the inadequate nature of the information about the needs of people with disabilities prior to their arrival. Many noted that they do not receive information that a person is sick or in need of specialist support. In the words of one participant, “We have clients who are getting off the plane and need a wheelchair and we don’t know that they need a wheelchair. They’re met at the airport and having to carry family members on their back and that kind of thing.” Another service provider in Victoria similarly commented that:

   Often we have seen that people are actually quick sick when they come by plane and once they get here they have to attend multiple medical appointments. We don’t really know until the time they jump on the plane and then on the other end we have to get ourselves ready. But that’s not giving us enough time to respond, that’s one of the critical things. The lack of adequate accommodation was also highlighted as a concern by service providers:

   They get to a short term accommodation and they can’t even get inside the home, if there’s stairs to get in. And they can’t use the toilet because a lot of toilets in Australia are those little narrow ones and if they need help to get in, there’s no support for them. They end up going to the toilet outside. We’ve had a few clients in that situation, they can’t shower on their own. We had a client
recently, for the first 14 months in Australia they weren’t able to have a shower. That kind of situation’s not really acceptable. Most clients, you have to wait about six weeks before an OT [occupational therapist] can come, at the earliest and make an assessment, and then another six weeks before their first piece of equipment will arrive. Modifications for the home to make them accessible need to be paid for by the client or by the landlord. As you will appreciate if you’re already negotiating with the landlord to take a client who has no employment history, no rental history, he’s disabled and has no likely future employment, can’t speak English, and they need to spend a few thousand on modifications to the home to accommodate them, the chances of getting a home are nothing at all.

Another service provider highlighted this issue through the following case study:

In terms of case studies, I often explain about a lady I know for whom it took us a year and she ended up having to keep the short term accommodation we had for all our families to cycle through because we couldn’t get her anywhere else. And even that wasn’t appropriate. And for the first year the only solution for her for things like showering was that her husband had to carry her a taxi, that he had to pay for, and the taxi would go the local sports and aquatic centre, and they have to pay ten dollars for entry, and then go in, he’d have to carry her in and shower her in the disabled shower, go back in the taxi and then go home. And he ended up with quite severe back issues just from trying to help her, because being unable to move she was not light, and it made extra concerns for him as well.

These issues are exacerbated by the lack of proper support and cultural awareness in the medical and disability sector. Many reported that their clients had been turned away by disability services and other health institutions because they were not set up to work with people with limited English language skills or from refugee backgrounds. Further, when services have taken on clients, service providers have reported that interpreters were not being used adequately.

Participants also noted that there is not enough funding in the HSS or Complex Case Support programs to help people find appropriate disability and health services. As explained by a service provider working with the Bhutanese community in Adelaide:

The caseworkers on the ground are hugely overworked and certainly what we’re finding is the complexity of the cases coming in now is really escalated. For instance with Bhutanese clients, we’ve got probably a cohort of 40 with sensory disability along with cognitive impairment, they’re deaf, blind, various degrees of what looks like dementia but isn’t dementia. We can’t get them disability support or carer support through Centrelink because they haven’t got a diagnosis. There’s nobody in Adelaide who can diagnose because [of a lack of] diagnostic tools. If they’re deaf, blind and only know pidgin language then only their family understands them, how do you work with them with an interpreter?

This issue was also raised in terms of the introduction of the NDIS. There were concerns that newly arrived community members do not have adequate knowledge and support to be able to negotiate the services available to them, especially when the NDIS is designed to be a consumer-driven service. Settlement services noted that it takes around 50 hours to support a newly arrived person to complete the NDIS referral, which these agencies are not funded to do. Many also reported a lack of interpreters and cultural competency in the NDIS program and with NDIS contractors. Others also expressed concern that those on a TPV or SHEV are not eligible for the NDIS (see Section 6.4 for further information).

Service providers and refugee community members again highlighted the failure of some health services to use interpreters, despite the fact that free interpreting services are available to them. Many also expressed frustration that some GPs and medical services are turning away people from refugee backgrounds. Participants highlighted the need to continue promoting the Doctor Priority Line and for doctors and medical staff to be trained in the appropriate use of interpreters.

### 6.5. REGIONAL SETTLEMENT

While many service providers and refugee community members saw real opportunities in increasing settlement in regional areas, they also emphasised that successful regional settlement required adequate services and community networks. Many noted that past regional settlement programs
have succeeded where a large number of refugee community members are settled at the same time and where employers, educational institutions and services are prepared to take on newly arrived people. In particular, many commented on the need to ensure employment opportunities are available when people arrive.

Regional service providers also noted that many regional areas receive reduced funding and thus provide less comprehensive support than cities, limiting their attractiveness to new arrivals. As one settlement service in regional Victoria noted:

*There are a lot of programs that are offered in Dandenong, for example, that we don’t have. We don’t have youth and child refugee funding available and we don’t have the same degree of support in terms of employment or health. We’re managing on a much smaller range of programs and then there’s greater pressure on those services to do more, with additional travel. Some of the appointments are required to happen in Melbourne so there’s a lot more pressure on clients. So I think that if they want to encourage regional settlement they need to look at making sure that adequate funding in place and that the systems are set up, so that that draw card to settle in Dandenong isn’t as strong.*

Services consulted also suggested using regional settlement to facilitate secondary movement, after people have spent some time in other metropolitan areas. Regional service providers noted that secondary movement is often unplanned and under-resourced. As one settlement provider in regional Victoria highlighted:

*There’s a presumption that settlement is an organised coordinated process when in reality, in a place like [regional city], it’s pot luck. Most of the people who have come here, very, very few will ever come here with a direct line. A few will come because they have family or friends here but for the vast majority it’s secondary migration. Use the Sudanese as an example. In 2005, the first Sudanese family came, the next year his brother came and then the next year there was a few more and now there’s over 1,000. So the direct settlement that occurs tends to be reasonably well-planned, there’s some resources that get attached to it and the community is at least understanding of what is going on. But the 98% of our settlement is secondary migration. It’s poorly planned, there’s the matter of resources, the community isn’t aware of it largely, the settlement communities themselves manage the process. Agencies like us we tend to pick up the pieces…No amount of government planning is going to be able to pre-empt that. What we’d like to see is the government planning be more responsive to where it does occur and that there’s a system in place where the funding can actually follow the client.*

Many pointed to the success of Nhill and the Luv-a-Duck factory as an example that can be replicated across Australia.91 Between 2010 and 2014, 160 Karen people settled in Nhill of whom 54 were employed by the Luv-a Duck production and wholesale distribution company which, in 2013, was the single largest commercial employer in the town of Nhill. In addition, the resettlement of the Karen generated flow-on benefits to other businesses in the region who capitalised on the additional labour supply created by the resettlement of the Karen community.

A study conducted by AMES Australia and Deloitte Access Economics demonstrated that the resettlement initiative in Nhill has had a notable impact on gross regional product (GRP) and employment levels in the region, finding that “in net present value terms the total economic impact on GRP is estimated at $41.49 million and total labour supply of 70.5 full time equivalents.”92 The economic analysis results also showed that rising employment levels increased the household consumption of goods by an average of 0.34% during the period studied.

The study also detailed the positive social impacts of regional settlement, including the regenerative effect from redressing population decline in the region. The arrival of the Karen community reduced the average age of the Nhill workforce and generated demand for additional and different services from providers in the region including the local council, local health services and the local college. The study report also noted increased bridging social capital between the Nhill and Karen

92 AMES Australia and Deloitte Access Economics 2015, p. 17.
communities through their interaction with the schools, the community garden and sport and through volunteer work.

The report identified several factors critical to the success of the resettlement initiative. These included the availability of employment; strong leadership in the host community, including support for the new settlers from local champions with influence in the community; and the level of planning and preparedness of the local community prior to the arrival of the Karen community, including support for families and temporary accommodation on arrival. The minimisation of the degree of cultural adjustment required is also noted as a factor, with the reporting highlighting the settlement of a critical mass of people from one ethnic community and the level of leadership within that community as key factors which supported the successful settlement of the Karen community in Nhill.

6.6. CITIZENSHIP

Service providers and refugee community members across Australia highlighted the increasing delays in applications for citizenship (as reported by the Refugee Council recently). Participants noted that the delays are occurring either when permanent residents are applying to complete the citizenship test (that is, they are waiting longer to be given a time to take their test), or when those who have completed every other requirement are waiting to attend a citizenship ceremony. Other applicants were being asked for documents that are almost impossible to obtain due to the nature of their refugee experience. The fact that permanent refugee visa holders, who have passed rigorous security assessments and identity checks, are being asked for supplementary information is also of great concern.

A number of applicants have received letters of approval from the Minister of Immigration and Border Protection, stating that the final step to gain citizenship is to attend a citizenship ceremony. However, these people had not been invited to participate in a citizenship ceremony, despite regular, often monthly, citizenship ceremonies occurring in each municipality. RCOA also heard from applicants who received a call or text message the night before they were due to attend the ceremony indicating that the ceremony was cancelled. However, months later, they still have not been invited to attend another event. Participants spoke of their frustration regarding the lack of communication and information from DIBP, with many receiving little or no information about their application and the reason for the delays.

The citizenship test remains an additional barrier for some people from refugee backgrounds. RCOA heard from psychiatrists who have written letters indicating their patients have a significant mental incapacity, which means they are not capable of successfully completing the test. While these people would generally be exempt from the test, RCOA has been informed that since late last year a number of these reports have been rejected.

Delays in citizenship cause significant distress to community members, especially those who arrived by boat and thus are placed at the lowest processing priority for family reunion under the SHP (see above Section 4.5.2). As gaining citizenship effectively removes existing barriers to family reunion, delays in obtaining citizenship can further prolong family separation. Many service providers commented on the stress, anxiety and mental harm caused by these delays.

6.7. OTHER SETTLEMENT ISSUES

6.7.1. Domestic and family violence

An emerging issue reported in consultations was domestic and family violence. Service providers noted the need for culturally competent domestic violence services, expressing concern with the inadequate level of support offered by mainstream service providers. Many noted that domestic violence services are not training to work with people from refugee backgrounds and often do not use interpreters, sometimes worryingly relying on a family or community member to interpret. To

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93 Refugee Council of Australia, Barriers to Education for Asylum Seekers and Refugees (2015).
address this, participants called for funding for specialist domestic violence programs that are
designed to address family violence in a culturally appropriate way within refugee communities.

Multiple service providers expressed concern that visa requirements, precarious immigration status
and unclear information can increase the risk of family violence. For example, some reported that
women are afraid to report domestic violence for fear of their spouse being deported, while others
noted that many community members believe their visa forces them to remain living with their
partner.

Those consulted also highlighted the need to invest in early intervention and education programs;
especially those catered to newly arrived communities. Such programs should include an
understanding of Australian laws, as well as information about services where survivors of family
violence can receive appropriate support.

6.7.2. The role of refugee communities
As in previous years, the role of refugee communities in the settlement process was again
highlighted during this year’s consultations. Many community members highlighted the important,
often unrecognised, work that refugee communities provide in supporting settlement and expressed
disappointment that these initiatives are often unfunded and not supported by government. Many
concerns reflected RCOA’s own research on the role of refugee community organisations in
settlement. 94

As one community elder from Queensland commented, “I’ve been working as a community leader
for so many years, I’m assisting people in life. The leaders are not getting any support. Also people
from our own community no matter where you come from, they have better understanding between
themselves and their community leaders.” Another refugee community member reiterated similar
concerns: “The mainstream support programs aren’t really effective and what is really effective are
the local associations helping themselves, which obviously never get funded, they never get
recognised.”

6.7.3. Housing
Housing was again highlighted as a significant issue for newly arrived refugee and humanitarian
entrants. Comments by participants mirrored researched conducted by RCOA on housing issues for
refugees and asylum seekers. 95 In particular, there is concern regarding affordability, adequate
housing space for large families and difficulties for single people attempting to access affordable
housing. Many also reporting ongoing issues with discrim
ination and racism
among housing
providers, as well as highlighting the need to provide tenancy education to newly arrived refugee
and humanitarian entrants.

6.7.4. Other issues
Other settlement issues raised in the consultations included: increasing levels of racism,
discrimination and Islamophobia; intergenerational issues; racial profiling by police; increasing
hostility in the public and media towards refugees and asylum seekers; the continued under-
utilisation of interpreters; access to affordable transport; and concerns regarding mental health and
recovery from trauma.

6.8. SETTLEMENT SERVICES AND PLANNING
Settlement services repeated concerns from last year’s consultation regarding moves designed to
push refugee community members from specialised services into mainstream services which have
limited skills and experience in working with people from refugee backgrounds. Service providers
and community members stressed the need to retain specialised services that have the requisite
skills to work effectively with this group. Many argued that mainstream services often fail to provide

94 Refugee Council of Australia, The Strength Within: The role of refugee community organisations in settlement (May 2014), available at
95 See Refugee Council of Australia, The Home Stretch: Challenges and alternatives in sustainable housing for refugees and asylum seekers
adequate support to refugee and humanitarian entrants and do not provide appropriate training in cross-cultural communication and the specific needs of people from refugee backgrounds. Service providers cited instances where they had referred people to mainstream services but found that they returned to their settlement service provider because the mainstream service was unable to offer appropriate support.

Service providers also reiterated concerns regarding competitive tendering processes and the increased focus on supporting larger organisations to the detriment of smaller and localised services. Participants were especially concerned that the new funding arrangements would disadvantage smaller, more specialised services, as well as community organisations set up by new and emerging refugee communities. As one Victorian service provider noted:

*Regarding the new grant selection process with DSS [Department of Social Services], I think it was quite evident that the government is looking at large providers and not looking at smaller providers. It was very evident in SGP [Settlement Grants Program] grants, it was evident in job services. It puts a big question mark on their [smaller agencies’] future. If you are in government it puts on a huge risk, having one agency delivering all services…It reduces the diversity of providers, it also means that providers aren’t necessarily local, they are state wide or national and I think that has a big impact on clients.*

Other services commented that reporting and administrative requirements have increased, despite moves designed to reduce red tape. Some also expressed concern about funding requirements which force services to be less flexible and more orientated to meeting set Key Performance Indicators (KPIs) rather than being guided by the needs of their clients. In the words of one participant, “it seems to me that that means as a service you become a lot less client-focused and a lot more KPI- and compliance-focused. Which means you become a lot less responsive to the client’s needs.”

Some participants reiterated concerns regarding the inflexibility of settlement services, especially the strict five-year limit for receiving Settlement Grants services. Those consulted noted that many people continue to need support past the five-year limit, resulting in the service providing support without receiving any funding.

Services also repeated concerns that advocacy in the community sector had been stifled by funding restrictions and other clauses. Many expressed concerns that public advocacy may result in their organisation having their funding cut, or being overlooked at the next round of grants.

### 6.9. RECOMMENDATIONS

#### Recommendation 19– Temporary protection

The Australian Government should abandon the reintroduction of temporary protection and convert all temporary visa into permanent protection visas.

If temporary protection is retained, the Australian Government should:

- **(a)** ensure accurate and timely information is communicated to those applying for or granted temporary visas, and to service providers;
- **(b)** extend the period of transitional support provided under the Status Resolution Support Services following the grant of temporary visas;
- **(c)** grant temporary visa holders access to services and benefits on the same basis as those with permanent protection visas, including in particular: settlement services, the National Disability Insurance Scheme, schemes to support entry to further education (such as Commonwealth Supported Places, access to loans and availability of income support);
- **(d)** access to family reunion and travel overseas on the same basis as those with permanent visas, and
- **(e)** the opportunity to apply for permanent residency upon expiry of their temporary visa.

#### Recommendation 20– Jobactive

The Australian Government should:

- **(a)** ensure adequate support and funding for the use of interpreters and bilingual caseworkers:
(b) require Jobactive providers to ensure staff are trained in cultural competency, including in the use of interpreters and cross-cultural communication, and ensure that this requirement is independently monitored or audited;

(c) review the process for assessing employment streams to ensure the appropriate identification and weighting of disadvantages experienced by refugee and humanitarian entrants;

(d) review the effectiveness of employment services in meeting the needs of refugee and humanitarian entrants with a view to encouraging the improvement of employment outcomes for people seeking asylum and refugees, and

(e) restore and increase funding to employment providers with expertise in working with refugee and humanitarian entrants.

**Recommendation 21 – Refugees with a disability**

The Australian Government should:

(a) ensure settlement agencies are given adequate and timely information about the health and disabilities of people being resettled;

(b) fund settlement agencies to provide support to newly arrived refugee and humanitarian entrants with disabilities;

(c) ensure that refugee and humanitarian entrant gain access to disability services, occupational therapists, specialist equipment and other required medical services in a timely way, and

(d) ensure that those who are arriving with a disability are able to receive access to Complex Case Support, immediate access to relevant medical and disability specialists and adequate accommodation on arrival.

**Recommendation 22– Citizenship delays**

The Australian Government should:

(a) improve its communication to those affected by delays, including explaining to those affected the reason for the delays; and

(b) expedite processing of citizenship applications as a matter of urgency.
7. CONCLUSION

This report reflects the voices and views of refugee and humanitarian entrants, people seeking asylum and the many people who support them across Australia. It covers a wide range of issues, from the journey to Australia, the journey to securing protection in Australia and the journey to settlement and citizenship in Australia. RCOA expresses deep gratitude to all those who participated and gave us their informed views and suggestions.

The report provides a detailed national picture of the many issues affecting people’s entry and settlement into this country, drawing from people who live these issues every day. It provides insights into new and emerging trends, including:

- the implementation of the new system for determining refugee status;
- issues relating to the reintroduction of temporary protection;
- the process of granting work rights for those seeking asylum;
- tensions and pressures created by the new Jobactive system;
- challenges for newly arrived refugees with disabilities, and
- delays in obtaining citizenship.

It also continues to provide evidence on longstanding and critical issues facing refugees and people seeking asylum, including:

- the enormous barriers separating loved ones from each other;
- the consequences of a punitive and deterrence-based asylum policy on mental health and social cohesion, and
- persistent barriers to education, employment and housing.

Throughout, we have sought to draw out recommendations to governments. Some of these steps are easy; others will require profound policy change. Together, they map out many ways to build better policies and, ultimately, a better future for those who have come to our shores seeking safety.
### 8. APPENDICES

#### 8.1. LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AMEP</td>
<td>Adult Migrant English Program</td>
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<tr>
<td>APO</td>
<td>Approved Proposing Organisation</td>
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<tr>
<td>ATCR</td>
<td>Annual Tripartite Consultations on Resettlement</td>
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<tr>
<td>AUSCO</td>
<td>Australian Cultural Orientation [Program]</td>
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<td>CCS</td>
<td>Complex Case Support</td>
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<td>CPP</td>
<td>Community Proposal Pilot</td>
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<td>DIBP</td>
<td>Department of Immigration and Border Protection</td>
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<td>DSS</td>
<td>Department of Social Services</td>
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<tr>
<td>LGBTI</td>
<td>Lesbian, Gay, Bisexual, Transgender and Intersex</td>
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<td>NGO</td>
<td>Non-Government Organisation</td>
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<td>PAIS</td>
<td>Primary Application Information Service</td>
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<td>Refugee Council of Australia</td>
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<td>SHEV</td>
<td>Safe Haven Enterprise Visa</td>
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<td>SHP</td>
<td>Special Humanitarian Program</td>
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<td>TPV</td>
<td>Temporary Protection Visa</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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8.2. CONSULTATION LOCATIONS

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8.3. ORGANISATIONS CONSULTED

Access Community Services (Qld)
Aftercare (NSW)
Agape International Church (NSW)
Ahwazi Community in Queensland (Qld)
Albury Wodonga Ethnic Community Council (NSW, Vic)
Albury Wodonga Volunteer Resource Bureau (NSW, Vic)
AMES Australia (Vic)
Amnesty International Australia (NSW, Qld)
Anglicare Refugee and Migrant Settlement Services (NT)
ASETTS (WA)
Assyrian Resource Centre (NSW)
Auburn Diversity Services Inc (NSW)
Australian Chamber of Commerce and Industry (ACT)
Australian Iraqi Association (WA)
Australian Karen Organisation (Qld)
Australian Migration Options (SA)
Australian Muslim Women's Centre for Human Rights
Australian Red Cross (NSW, Vic)
Australian Refugee Association (SA)
Balga High School (WA)
Beechworth Refugee Asylum Seeker Support (Vic)
Bhutanese Association in Albury (NSW)
Blacktown Hospital (NSW)
Blacktown Women's and Girls' Health Centre (NSW)
Bounce Refugee Youth Monitoring (Vic)
Brotherhood of St Laurence (Vic)
Burmenese Rohingya Association in Queensland (Qld)
Burmenese Rohingya Community of Australia (NSW)
Canberra Refugee Support (ACT)
CatholicCare Refugee Service, Newcastle (NSW)
CatholicCare Sydney (NSW)
CatholicCare Tasmania (Tas)
Centacare South West NSW (NSW)
Centre for Multicultural Youth (Vic)
Centrecare (WA)
Chaldean Australian Society (NSW)
Charles Darwin University (NT)
Child and Youth Mental Health Service (Qld)
City of Manningham (Vic)
City of Maroondah (Vic)
City of Whittlesea (Vic)
Communicare (WA)
Communities Council on Ethnic Issues (Eastern Region) Inc (Vic)
Community of South Sudanese and Other Marginalised Areas Association (NSW)
Community Resource Network (NSW)
Companion House (ACT)
CORE Community Services – Cabramatta Community Centre (NSW)
Council for Islamic Dialogue (WA)
Curious Works (NSW)
Cyriel Jackson Senior Campus (WA)
Darwin High School Secondary Intensive English Unit (NT)
Department of Immigration and Border Protection (Qld)
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