



November 2016

## Addressing The Pain of Separation for Refugee Families

### Summary Recommendations

#### Recommendation 1

Allocating at least 5,000 visas under the family stream of the Migration Program for refugee and humanitarian entrants.

#### Recommendation 2

Introducing needs-based concessions under the family stream of the Migration Program.

#### Recommendation 3

Conducting 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

#### Recommendation 4

Significantly reducing existing processing times for family reunion applications, improving procedures for communicating with visa proposers and applicants, restoring funding for professional migration advice services, expanding the no-interest loan scheme and extending eligibility for the scheme, reviewing the definition of "family" used to assess and prioritise family reunion applications and removing current restrictions on family reunion for refugees who arrived by boat

#### Recommendation 5

Substantially reducing the visa application charges, increasing the size of the Community Support Program and breaking the numerical link between this program and Refugee and Humanitarian Program.



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***"Family reunion is key. The reason why it is number one in my list [of concerns] is that socially, psychologically, emotionally, financially, [family separation] is not viable."***  
– Former refugee from South Sudan

***"It's like being in an eternal prison – safety but no peace."*** – Service provider, Tasmania

Family separation in situations of displacement and flight are particularly common, decreasing the possibility of all family members being resettled together in a country such as Australia. Family reunion and the devastating psychological, economic and social impacts of family separation are some of the most pressing issues for refugees and people seeking asylum in Australia. In our consultations with hundreds of people from a refugee background, community members and service providers across Australia, the theme most commonly discussed has been how family separation undermines successful settlement outcomes.

Participants in our annual consultations have continued to highlight a range of challenges affecting people in Australia who are seeking to sponsor family members to join them in Australia. While some of these challenges are pre-existing and have been raised over many years (such as prolonged delays in processing of applications, the restrictive definition of family and the limited availability of affordable migration advice), others have resulted from more recent policy changes (such as the introduction of new restrictions affecting people who arrived in Australia by boat).

This paper summarises both the continuing and new concerns expressed to the Refugee Council of Australia (RCOA) during our annual national consultations and other discussions with service providers and refugee community members. It proposes alternatives for positive reforms that will benefit those seeking protection in Australia and the humanitarian arrivals and ultimately enhance the outcomes for our entire community.

## Impact of protracted family separation

A common refrain from people from a refugee background who have participated in RCOA's consultations is that the physical security offered by Australia is offset by ongoing mental anguish of family separation. People commonly refer to their serious concerns for the safety and welfare of family members left behind. 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.

### Psychological cost

Service providers have continued to express concern about the impacts of family separation on the mental health of refugees and humanitarian entrants, citing instances of self-harm and suicidal ideation triggered by family separation. 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.*

### Social cost

Family separation deprives people of social and emotional support critical to positive settlement outcomes. For example, a former refugee living in Sydney 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."*



UNHCR S. Phelps

Another person from the Tamil community pointed out the critical role of families in providing emotional support to assist recovery from trauma, a role that in their opinion cannot be played by friends and peers in the community as many are dealing with similar issues themselves and are unable to provide the necessary level of support.

### Financial cost

Family separation is costly, both to refugees and to the wider Australian community. People who participated in RCOA's research 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. That financial pressure, in many situations, could compel people to forego study in favour of paid work and could place people at risk of workplace exploitation. Many people from a refugee background continue to send their income overseas to support their families, money which would otherwise be injected into the Australian economy.

Concurrently, as family separation is one of the main reasons for the negative mental health of many refugees and people seeking asylum, barriers to family reunion significantly contribute to the need for increased mental health services and the costs associated with these services.

### Social cohesion cost

Family separation can have a negative impact on relationships, potentially leading to relationship breakdown. One former refugee living in Melbourne reflected this theme when he 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:

1 The number of SHP places was increased from 503 in 2012-13 to 4515 in 2013-14 (greatest since 2007-08 when 4706 SHP visas were granted). The number of available places further increased to 5007 in 2014-15. However, the number of available places is far less than the demand. In 2012-13 21,995 SHP visa applications were lodged. This number increased to 37,006 in 2013-14. The number of SHP applications in 2014-15 was not released; however, the Department of Immigration stated that a total of 62,709 people lodged applications under the offshore program. According to the available data of the past four years, usually about half of these applications are for SHP visas (all data were gathered from Australia's Offshore Humanitarian Program reports from the financial year 2010-11 to 2013-14 as well as from DIBP's Annual Report 2014-15).

*“They are stuck between two fires...it is causing family conflict.”*

## Special Humanitarian Program

The primary avenue through which people from a refugee background seek to reunite with family members under the Refugee and Humanitarian Program is the Special Humanitarian Program (SHP). Concerns raised through RCOA's annual community consultations over a number of years reflect the evidence which show the demand for SHP visas far outstrips the number of places available by 7:1, even taking into account the recent increase in SHP visa grants in 2013-14 and 2014-15<sup>1</sup>.

### Waiting periods

Many members of Australia's refugee communities have expressed confusion and frustration about the prolonged waiting periods for family reunion and the length of time taken to process SHP applications. Many also commented on the limited or lack of information communicated to them about the reasons for these delays or the progress of their applications.

Some respondents reported waiting for many years to be reunited even with their closest 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 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. Consistent reports outline applicants waiting several years only to have their applications rejected for an administrative error, forcing them to reapply again and begin the process from the beginning.

### Who is family

People continued to express concern about the restrictive definition of “family” used to assess and prioritise family reunion applications. Under current policy, applications for split family reunion require that the main applicant be a member of the immediate family of the proposer (a proposer is an Australian citizen, permanent resident or an eligible New Zealand citizen who recommends an applicant for the SHP visa. People who arrived in Australia by boat after 13 August 2012 cannot become a proposer).

‘Member of the immediate family’ is defined in regulation 1.12AA, and includes:

- A spouse or de facto partner
- A dependent child
- A parent (but only if their child who is the proposer or main applicant is under 18)<sup>2</sup>.

Several people shared stories of unsuccessful attempts to sponsor other family members for resettlement, such as adult children, siblings, parents (where the proposer is an adult), other extended family members and people with whom the proposer has a close family-like bond but no blood relationship.

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 force families to consider leaving their adult children behind (often in a precarious situation) while the rest of the family resettles in Australia. A former refugee in Sydney spoke of their fears for the safety of their adult children living in dangerous situations overseas and emphasised that the family relationship was more important than the age of their children:

*“Are they are no longer our children and are we no longer their mums and dads?”*

### Formal documents

Difficulties in sourcing documentation or evidence to substantiate family relationships and denial of family reunion opportunities to people who had not been formally registered as refugees have also been raised as barriers. People highlighted concerns that in some cases, required documents to evidence family relationships never existed or had been lost or destroyed while fleeing.

Some people also highlighted the challenges of obtaining identity documents for children who were born in exile. It was raised that evidence of ongoing relationships (such as phone or email records) may be very difficult to provide due to lack of access to communication technologies in displacement situations.

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.

### Prohibitive costs

There is a very large price tag attached to family reunion, even though the SHP is the cheaper available option. People proposing relatives under the SHP need to pay for airfares, migration agents, legal fees and costs of providing settlement support. It was reported that the cost of reunification, even with immediate family members such as partners and children, can amount to tens of thousands of dollars. This cost was seen

<sup>2</sup> Department of Immigration and Border Protection, *PAM3: Refugee and Humanitarian Offshore humanitarian program Visa application and related procedures*.

as being very difficult (if not impossible) for many people from a refugee background to meet, particularly for those who have arrived in Australia relatively recently.

## Expectation

Service providers have noted the increasing pressure on people in Australia to propose relatives for SHP visas, rather than wait for them to be granted a Refugee visa<sup>3</sup>. This practice has placed considerable financial strain on some families, with a service provider in Brisbane asserting that this practice was “condemning people to poverty”. It was noted that the financial pressure could in turn jeopardise positive settlement outcomes. Another service provider in Brisbane 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.”**

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?”**

## Affordable Migration advice

People drew attention to the need for greater access to low-cost or pro bono migration advice and application assistance for people from a refugee background who are seeking to reunite with relatives.

Previously, migration advice for family reunion was funded through the Department of Immigration, however changes in 2013 saw this funding cease. People commonly commented on the overwhelming demand for limited existing services and the often prohibitive cost of accessing private migration agents or lawyers. Several participants in our annual consultations emphasised the critical importance of migration advice to people from a refugee background, particularly those who do not have strong English language skills or understand Australia’s complex visa system.

As a result of issues associated with SHP, an increasing number of people are considering other avenues to bring family



UNHCR B. Diab

members to Australia. Those include the Community Proposal Pilot (CPP) and the family stream of the Migration Program, both with much higher price tags than SHP.

## Community Proposal Pilot

Since June 2013, up to 500 places per year have become available within the Refugee and Humanitarian Program to people sponsored under the CPP (according to the recent Prime Minister announcement the number of places will be increased to 1,000<sup>4</sup>).

Under the current 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<sup>5</sup>. Proposers are required to pay substantial visa application charges to the Department of Immigration and Border Protection totalling \$19,124 for the first applicant and \$2,680 for each additional family member. Additional processing fees include a non-refundable fee of \$11,000 to the Approved Processing Organisation and a separate \$5,000 bond refundable only when the proposer has completed the designated role in the settlement of the new arrival. In addition, the costs of medical checks for people being processed; airfares to Australia; initial accommodation; and household goods, food and utilities must also be covered. To bring just one relative to Australia under this scheme, the proposing family member would need to find approximately \$40,000 and another \$5,000 for each additional relative<sup>6</sup>. Those who apply through the CPP have their applications prioritised for processing, meaning that they will be processed more quickly than applications lodged under the SHP.

3 Refugee visas are part of the offshore resettlement component of Australia’s Refugee and Humanitarian Program. These visas are for people who are subject to persecution in their home country, are typically outside their home country, and are in need of resettlement. The Refugee category includes the Refugee, In-country Special Humanitarian, Emergency Rescue and Woman at Risk visa subclasses. The majority of applicants who are considered under this category need to first be identified and referred by UNHCR to Australia for resettlement. Due to the limited number of available resettlement places, each year UNHCR only refers about 10% of the people it identifies to be in need of resettlement. For example, in its planning for 2016, UNHCR has identified 1,190,519 refugees in need of resettlement. Based on the expected global quotas from resettlement states, UNHCR expects to submit only 170,000 refugees for resettlement. In the year 2015-16, 6730 Refugee category visas were granted by Australia.

4. The Hon Malcolm Turnbull MP (2016). *Leader’s Summit on Refugees*. <http://www.malcolmturnbull.com.au/media/leaders-summit-on-refugees>, ¶ 5, dot point 4

5 Currently AMES Australia, the Brotherhood of St Laurence, Illawarra Multicultural Services, Liverpool Migrant Resource Centre and the Australian Migrant Resource Centre in Adelaide

6 *About the Pilot*. Community Proposal Pilot. <https://cpp-apo.net/about/>

Feedback received from participants in RCOA's annual consultations suggest that the CPP is being seen and used as a more expensive version of the SHP, rather than an attempt to increase the involvement of the community in the settlement process, therefore taking the program away from its original intention. People commented that for many it has created a perception that:

**"If you are rich, you come quicker, if you are poor, it's years."**

For some proposers, the CPP expedites family reunion but leads to destitution. People highlighted the negative impacts of the lack of a "safety net" for those resettled under the CPP in cases of relationship breakdown or where the circumstances of the proposer change.

Despite the problems associated with the CPP, simple reforms could see it become a more positive community sponsorship program<sup>7</sup>, akin to Canada's private sponsorship program<sup>8</sup>. A number of participants highlighted the potential of the CPP to provide a useful alternative pathway for those who have the capacity to meet some of the costs associated with resettlement, provided that some aspects of the program are reformed. Additionally, the CPP could galvanise the existing community support for refugees in a practical manner, by engaging community organisations, churches, religious bodies and diaspora communities, as is evidenced in the Canadian scheme.

A significant area for improvement is to ensure the principle of additionality is upheld – that is, that privately sponsored refugees are in addition to government settled refugees<sup>9</sup>. As one organisation stated:

**"We believe there is a place for this program, however the visa places should be separate from the Refugee and Humanitarian Program."**

With the recent announcement by the Prime Minister to expand this program to 1,000 places, it is crucial that these

places be in addition to the Australian Government's refugee intake, so as not to undermine the principles of our humanitarian program<sup>10</sup>.

## Family stream of the Migration Program

Sponsoring family members under the family stream of the Migration Program is an option unavailable to many people from a refugee background due to the extended waiting period associated with some visas and the increasingly high cost of visa application fees; a cost that is in addition to other expenses associated with sponsoring family members listed above.

Sponsoring a partner to come to Australia costs at least \$6,865, not including other associated costs such as those of health assessments and police certificates<sup>11</sup>.

Parents can only be sponsored if half of their children live permanently in Australia or more of their children live permanently in Australia than in any other country. Sponsoring parents through the non-contributory Parent visa<sup>12</sup> is extremely unlikely as the current waiting time for Parent visa and Aged Parent visa (for parents aged 65 years or over) stands at 30 years<sup>13</sup>. Parents being sponsored under contributory visas will wait for a considerably shorter time; however, the costs associated with these visas make them unaffordable options for many refugee communities and their families. The total cost of bringing both parents to Australia could amount to nearly \$100,000<sup>14</sup>. Additionally the proposer needs to provide an Assurance of Support of \$10,000 for the main applicant and \$4,000 for any additional adult applicant. This bond will be held for 10 years. According to the Department of Immigration, in the 2015–16 Migration Program year, 1,500 places have been allocated to non-contributory parent visas and 7,175 places to contributory parent visas<sup>15</sup>.

In its April 2016 inquiry report on the migrant intake into Australia, the Productivity Commission acknowledged the long wait for a non-contributory parent visa. To reduce the demand for this visa and the subsequent wait, the Productivity Commission recommended the number of places allocated to this visa be reduced and the eligibility criteria be limited to "cases

7. For recommendations on the CPP program, see RCOA submission's to the DIBP's Community Support Program consultation at <http://www.refugeecouncil.org.au/wpcontent/uploads/2015/07/1507-CSP.pdf>

8 For details of Canada's private sponsorship program see <http://www.rstp.ca/>

9. See for example: *Private Sponsorship of Refugees*. Canadian Council of Refugees. <http://ccrweb.ca/en/private-sponsorship-refugees>

10. Turnbull 2016, ¶ 5, dot point 4

11. *Fees and charges for visas*. DIBP. <https://www.border.gov.au/Trav/Visa/Fees>

12 Even for non-contributory parent visas there are associated Visa Application Charges. The first instalment which is payable upon lodgement of the application and is non-refundable, can amount to \$5,805 for both parents. The second instalment payable before the visa grant is \$2065 for each person included on the application. For permanent Parent (including Aged Parent) visa applicants, an Assurance of Support bond of \$5000 is required for the main applicant and \$2000 for any adult secondary applicants. The bond is refunded 2 years after visa applicants enter Australia on this visa.

13. *Parent category visas*. DIBP. <https://www.border.gov.au/Trav/Brin/Pare>

14 For parents who did not hold a temporary contributory parent visa, the first instalment of Visa Application Charge will be \$4,940 for both parents. The second instalment payable before the grant of the visa is \$43,600 for each applicant or a total of \$87,200 for both parents, bringing the total cost of the visa to \$92,140. If parents held a temporary contributory parent visa, the first instalment of Visa Application Charge will be \$490 for both parents and the second instalment will be \$19,420 for each applicant or a total of \$38,840 for both parents. However, to be granted the temporary contributory parent visa, Visa Application Charges of \$3,735 for both parents as the first instalment and \$29,130 for each parent as second instalment need to have already been paid. Therefore, total base cost of applying for temporary and then permanent contributory parent visa in this case is \$101,325 (Fees and charges for visas, <https://www.border.gov.au/Trav/Visa/Fees>)

15 *Parent Visa Queue*. DIBP. <https://www.border.gov.au/Trav/Brin/Fami/Capping-and-queuing/Parent-visa-queue>

where there are strong compassionate grounds”<sup>16</sup>. The report also recommends a substantial increase in the visa charges for the contributory parent visas, proposing the fee be doubled in the first instance<sup>17</sup>. The inquiry report further recommends the introduction of a more flexible temporary parent visa.

Following this report, in late September 2016, the government announced it would introduce a new sponsored temporary visa for parents of Australian permanent residents and citizens. Based on the discussion paper<sup>18</sup> released by the Department of Immigration, this new temporary visa does not provide a family reunion pathway for people from a refugee background. The current proposed sponsorship requirements (for example requiring the sponsor to be living in Australia for a number of years), the temporary nature of this visa and factors that could determine the length of the visa (which could vary from one to five years) all disadvantage the refugee families and new humanitarian arrivals.

Although the government has not made any announcements in relation to reducing the number of contributory parent visas, the recent report of the Productivity Commission and plans for introduction of the new temporary parent visas all indicate a move away from offering a permanent family reunion pathway for parents and their Australian children, unless they are able to pay an extraordinary fee. These potential developments and changes could make the family stream of the Migration Program a less likely family reunion option for families from a refugee background.

Finally, although a number of visa subclasses are defined for other relatives who are aged and financially dependent on an Australian permanent resident (Age Dependent Relative, Remaining Relative and Carer visas), only 500 places were allocated to these visa subclasses in the 2015-16 financial year, with the majority of places to be taken by the Carer visas. According to the Department of Immigration, the applications for Carer visas that were lodged in 2014 are likely to take 4.5 years to be finalised, while the applications for Remaining Relative and Aged Dependent Relative lodged in 2014 are likely to take approximately 50 years to be finalised<sup>19</sup>. As Joe Caputo, the Chairperson of the Federation of Ethnic Communities' Councils of Australia (FECCA), said on 30 September 2016:

**“The waiting lists for those visas are obnoxiously long, that often people die waiting for their visas.”<sup>20</sup>**

## Effective denial of family reunion to refugees who arrived by boat

There are a number of additional restrictions that seriously limit the capacity of former refugees who arrived by boat to sponsor their family members for resettlement in Australia.

People who arrived by boat without a visa after 13 August 2012 are not eligible to propose any family members and will only be eligible to apply for a Temporary Protection Visa (TPV) or a Safe Haven Enterprise Visa (SHEV). For those who arrived before 13 August 2012, their family visa applications under the SHP, CPP or family stream of the Migration Program are given the lowest priority for processing.

Generally, priority for processing is based on the relationship between sponsor and visa applicant in descending order, with those with the closest relationship given highest priority<sup>21</sup>. Yet, under a policy introduced by the Minister for Immigration, known as Direction 62, those who came by boat and seek to sponsor their family are placed at the lowest priority level, regardless of their relationship<sup>22</sup>. On 13 September 2016, Direction 62 was revoked and replaced by Direction 72. The new Direction continues to give the lowest processing priority to the family visa applications made by people who have come by boat. However, it allows the decision makers to depart from this priority order if the application involves special circumstances of a compassionate nature or where processing of applications would otherwise be unreasonably delayed<sup>23</sup>. The “special circumstances of a compassionate nature” or reasonable timeframe are not defined.

Continuing to deprioritise the vast majority of family visa applications proposed by people who have arrived in Australia by boat effectively denies this group any possibility of family reunion, as the significant demand for family reunion means that their applications will never be processed. It is unlikely that the concessions in Direction 72 address this issue.

A significant number of consultation participants expressed serious concerns about these restrictions. They commented that the change to processing priorities was an unnecessarily punitive measure likely to have serious negative consequences for people settling in Australia and their family members living in precarious situations overseas. Some participants expressed particular concern about the impacts of these restrictions on unaccompanied minors, with one participant in Canberra stating that:

16 There is not a detailed discussion about the definition of “compassionate ground”. However, it is unlikely that it refers to the situation of parents who are in conflict areas or are in precarious situations in transit countries. The only example that the report provides is the example of when Australian children of a parent were killed in a car accident and the parent was the most appropriate carer of the grandchildren.

17. Productivity Commission (2016). *Migrant Intake into Australia, Inquiry Report*. <http://www.pc.gov.au/inquiries/completed/migrant-intake/report/migrant-intake-report.pdf>

18. DIBP (2016). *Introducing a temporary visa for parents: discussion paper*. <https://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/discussion-paper-introducing-tem-visa-parents.pdf>

19. *Other Family Visa Queue*. DIBP. <https://www.border.gov.au/Trav/Brin/Fami/Capping-and-queuing/Other-family-visa-queue>

20. Kukolja, K. (2016). “Proposed family-reunion changes worry FECCA”. SBS, 20 September. <http://www.sbs.com.au/news/article/2016/09/20/proposed-family-reunion-changes-worry-fecca>, ¶2

21. DIBP. *PAM3: Refugee and Humanitarian Offshore humanitarian program Visa application and related procedures*

22. Direction 62 – order for considering and disposing of Family Stream visa applications (Direction 62).

23. Varess, F. (2016), *Direction 62 replaced by Direction 72*, Fragomen Lawyers. <https://www.fragomen.com/knowledge-center/articles/direction-62-replaced-direction-72>

***“To cut off all options for family reunion for unaccompanied minors is the opposite of humanitarian.”***

Another Melbourne-based service provider in a separate consultation reported that:

***“We had a client last year who was an asylum seeker and an unaccompanied minor. Just after that announcement [of additional restrictions] was made, he attempted suicide because the thought of never seeing his family again was just too much for him.”***

A 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.”***

For this group of people obtaining citizenship is virtually the only means through which they can become eligible for family reunion. However, research by RCOA has shown that former refugees have experienced significant delays in the processing of their citizenship applications, often waiting over one year after applying for citizenship. These delays are creating an impasse for reuniting with families, with significant negatives impacts on the mental health of former refugees.

Furthermore, holders of Temporary Protection Visa (TPV) and Safe Haven Enterprise Visa (SHEV) are barred from sponsoring family members and from becoming citizens. These issues have been highlighted as having a particularly negative impact on health, wellbeing and settlement outcomes, with several services reminding RCOA of the comprehensive research and evidence available on the negative impacts of the previous TPV regime. Other consultation participants indicated that these findings concurred with their own experiences, either as former TPV holders themselves or as support workers. In a written submission, one agency described the challenges of working with TPV holders under the previous regime:

***“Our experience working with TPV holders when they were introduced previously demonstrated not being able to be reunited with their families had a very deleterious effect on the mental health of many TPV holders, most of whom had already been separated from their families for some time. Apart from the grief and anxiety experienced as a result of not being able to be reunited with their families, TPV holders also experienced significant guilt about the danger their families were in and a sense of helplessness and despair. Typical comments were “We will never be able to see our families again. They will be killed by the Taliban or die of starvation.” Intrusive thoughts about their families also interfered with concentration in learning English and other settlement tasks and caused sleeping difficulties. As one client stated, “I cannot sleep till 4 a.m. because of my anxiety. Thoughts of my children are driving me insane.”***

Service providers highlighted the additional pressures this policy places on mental health services, resulting in increasing costs for the government:

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

## **A way forward**

As highlighted above, current avenues for family reunion are failing to meet the needs of many refugee and humanitarian entrants. Many of the programs used for family reunion are also failing to fulfil their original purpose. The SHP was originally designed to provide a resettlement pathway for people who do not have access to or are not prioritised under UNHCR’s resettlement processes, or do not meet the Refugee Convention criteria despite being at significant risk of harm. It was also designed to provide an opportunity for organisations and communities in Australia to become more closely involved in identifying people in need of resettlement and supporting them after arrival. Currently, however, the SHP is effectively operating as a de facto family reunion program and therefore attempting to respond to a need that it was not originally designed to address. Similarly the CPP is another program that was intended to increase the involvement of the community in the settlement process and is now being increasingly used as a de facto family reunion program.

In consultation with practitioners involved in providing support to people from a refugee background with family reunion applications, as well as migration agents, peak bodies and

24 For example, see: Humpage, L. & Marston, G. (2005), “Contested Belonging: Temporary Protection in Australia”. *Refuge*, 22(2): 67-76; Mansouri, F. & Cauchi, S. (2006), “The Psychological Impact of Extended Temporary Protection”, *Refuge*, 23 (2): 81-94; Momartin, S. Steel, Z. Coello, M. Aroche, J. Silove, D. Brooks R. (2006), “A comparison of the mental health of refugees with temporary versus permanent protection visas”, *Medical Journal of Australia*, 185 (7): 357-361”



refugee community members, RCOA has developed the following proposal for a new approach to humanitarian family reunion.

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

**Recommendation 1: Allocating 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 (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.

**Recommendation 2: Introducing 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. 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.

**Recommendation 3: Conducting 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.

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.

Additionally, RCOA proposes the following recommendations to address other issues raised with regard to family separation:

**Recommendation 4: In relation to supporting 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 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 5: In relation to the 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.



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