Refugee Council of Australia

July 2016

REPORT ON AUSTRALIAN ADVOCACY IN GENEVA 2016

In June 2016, the Refugee Council of Australia (RCOA) joined Australian representatives of refugee communities and NGOs in a series of meetings in Geneva involving senior representatives of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), NGOs and governments from around the world. The main gatherings were:

- Global Refugee Youth Consultations (12–15 June)
- Annual Tripartite Consultations on Resettlement (13–15 June)
- IOM NGO Humanitarian Consultations (13 June)
- UNHCR Annual Consultations with NGOs (15–17 June), and
- UNHCR Standing Committee on Protection (21–22 June).

Additional side meetings between Australian NGO and community representatives and senior officials of UNHCR and IOM were held throughout the eight days of formal meetings.

The Refugee Council of Australia, represented by Paul Power (CEO) and Louise Olliff (Senior Policy Officer), worked closely and participated in meetings with three refugee youth delegates (Sarah Yahya, Arash Bordbar and Arif Hazara), as well as other delegates from diaspora communities with lived refugee experience. They also worked with a range of Australian NGOs, includingAccess Community Services; AMES Australia; Amnesty International Australia; Assyrian Australian Association; Centre for Refugee Research, University of NSW; Multicultural Development Association; Multicultural Youth Advocacy Network (MYAN); Refugee Legal; Settlement Council of Australia; Settlement Services International (SSI); and STARTTS.

In participating in these meetings, RCOA sought to:

- work with other Australian delegates to bring to the attention of UNHCR and IOM the concerns of refugee communities in Australia, particularly concerns related to the protection of refugees and asylum seekers in various parts of Asia, the Middle East and Africa
- participate actively in discussions on refugee protection and resettlement, bringing perspectives from Australian communities and NGOs
- update interested NGO and UNHCR representatives about recent developments in Australia, and
- learn more about current international responses to global refugee needs, to help inform RCOA's domestic work in policy development and community education.

A summary and links to further information about these meetings are below, as well as an overview of some of the contributions of Australian delegates to these international discussions.

Global Refugee Youth Consultations (12–15 June)

The Global Refugee Youth Consultations (GRYC) were held from 11–14 June in Geneva. This event was a joint initiative of UNHCR and the Women's Refugee Commission (WRC) and was supported

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by the Youth and Adolescents in Emergencies (YAE) Group. The GRYC involved a group of 25 young people from around the world, including three youth delegates from Australia: Sarah Yahya, Arash Bordbar and Arif Hazara. The aim of the consultations was to place youth at the centre of the decision-making process. Together, youth delegates were given the opportunity to engage in constructive dialogue on issues that affect them.



GRYC workshop participants and Australian representatives

Prior to the GRYC workshop, national consultations were facilitated in Australia by MYAN and a host of agencies to gather views of young people. Arif, Sarah and Arash, along with Rez Gardi from New Zealand, represented the Asia Pacific region, highlighting key issues young people faced in our region.

Over the course of the three days, youth delegates developed seven core actions, outlining their recommendations to be taken forward to the UNHCR-NGO consultations. The seven core actions identified are as follows:

1: Empower refugee youth through engagement

2: Facilitate refugee youth networking and information

3: Generate data and evidence on refugee youth to support accountability to youth

4: Develop, recognise and utilise refugee youth capacities and skills

5: Enable refugee youth as connectors across boundaries

6: Ensure refugee youth focused protection

7: Support refugee youth physical and emotional wellbeing.

Youth delegates were asked to share the core actions with other young people and UNHCR will be seeking their further input and feedback in finalising these actions following the consultations.

At the GRYC, Arif, Arash and Sarah presented to the UN High Commissioner for Refugees, Filippo Grandi, as part of a Stakeholder Dialogue. This was a half-day dialogue that involved key local, national and international government, UN and NGO representatives. Arif and Arash presented on issues in the Asia-Pacific region at this dialogue, highlighting some of the key challenges experienced by refugee and asylum seeker youth in the region. Arif pointed to the need for greater access to education and support for schools providing for refugees that are currently under resourced. Arif described this as one of the most prominent issues for refugee youth. Arash spoke of the lack of recognition and protection of rights for young refugees by local authorities, and the lack of legal status as a barrier to health, employment as well as education. The delegates called for the





inclusion of refugee young people in decision-making, meaningful engagement with stakeholders and the importance of focusing attention on LGBTI youth and young people with disabilities.

In preparing for this presentation, the youth delegates from Australia drew on a briefing paper prepared by the Asia Pacific Refugee Rights Network (APRRN), 'Understanding the issues most important to refugee and asylum seeker youth in the Asia Pacific region' (view at: http://bit.ly/29vkEEE). This document outlines the recommendations of refugee and asylum seeker youth in the Asia Pacific region where consultations were held (Thailand, Pakistan, Australia, New Zealand). APRRN also produced a video in which refugee and asylum seeker youth articulate why they wish to be involved in advocacy and how different stakeholders could work in collaboration with them (view Voices of Refugee Youth at: http://bit.ly/29qgBXt).

One of the outcomes of the GRYC for the Asia Pacific region was a discussion of how to take these recommendations further, and this will be discussed further at a youth-focused workshop to be held at Asia Pacific Consultation on Refugee Rights (APCRR6) in September in Bangkok.

The Australian GRYC report will be available at the end of August 2016 on the RCOA and MYAN Australia websites. For more information, see:

- Youth and Adolescents in Emergencies (YAE): www.yaegroup.org/
- Multicultural Youth Advocacy Network (MYAN): www.myan.org.au/unhcr-gryc/
- APCRR6: aprrn.info.org
- For information about the youth delegates selected to represent Australia at the GRYC: http://www.refugeecouncil.org.au/ourwork/geneva-youth-delegates/

Annual Tripartite Consultations on Resettlement (ATCR) (13–15 June)



Left: Elizabeth Lang, right, with refugee representatives Daniel Gamboa (NZ) and Dilora Mukhtorova (Netherlands) on an ATCR panel on youth integration, chaired by RCOA's Paul Power.

From 13–15 June, more than 200 representatives of UNHCR, IOM, governments and NGOs involved in refugee resettlement gathered to discuss international cooperation on refugee resettlement. Australia was represented by seven NGO representatives, four officials of the Department of Immigration and Border Protection and by Elizabeth Lang, a former refugee from South Sudan who was resettled to Perth as a child.

The three-day meeting focused on a series of themes, including:

- Reporting on trends in resettlement in the past year and providing states and NGOs with an overview of UNHCR perspectives on resettlement needs in the coming year
- Reviewing the international response to UNHCR's appeal for resettlement places for Syrian refugees and also alternative admission pathways for Syrian refugees under other migration programs
- Highlighting the need to continue resettlement from other protracted refugee situations and to use resettlement strategically in these situations to support other durable solutions
- Exploring options to increase access to resettlement and other durable solutions for children at risk, both unaccompanied children and those still with parents or guardians
- Continuing resettlement of refugees caught in conflict zones
- Strengthening public confidence in refugee resettlement, and
- Enhancing the success of refugees after arrival in countries of resettlement, including through supporting their economic participation and assisting the effective integration of refugee young people.

A full report on the ATCR is available at http://www.refugeecouncil.org.au/ourwork/international-policy/australian-advocacy-geneva/.

IOM NGO Humanitarian Consultation (13 June)

On Monday 13 June, IOM held its second consultation with humanitarian NGOs following on from its inaugural consultation in 2015. The consultation involved around 100 representatives from NGOs working in different countries, as well as IOM staff based both in Geneva and in different field offices. Eight representatives from Australian NGOs and communities participated in this consultation, representing Assyrian Australian Association (AAA), Act for Peace, AMES Australia, APRRN, MDA, SSI and RCOA.

The agenda covered an overview of IOM-NGO partnerships over the 2015–16 period, including: an update on IOM's Principles for Humanitarian Action; outcomes and commitments arising from the World Humanitarian Summi;, principles, guidelines and practices from the Migrants in Countries in Crisis Initiative; and progress made towards the 2015 meeting's agreed action points. Concurrent discussions were held on enhancing cooperation and dialogue between IOM and humanitarian NGOs. These included breakout groups to discuss: the public narrative and negative perception of refugees and other migrants; the humanitarian-development nexus and progressive resolution of displacement; and joint approaches and methodologies to operationalise Accountability to Affected Populations. IOM flagged to their NGO partners the prospective move for IOM to becoming a UN agency. Discussion was also held on preparations for the September UN General Assembly High-Level Meeting on Large Movements of Refugees and Migrants, including on the various dimensions of migration and refugee issues, as well as the process and means of joining efforts and the growing space for civil society.

While there was limited scope for open discussion of issues identified by communities in Australia pertaining to IOM policy and practice, Australian NGO and community representatives stressed through asking questions and in its contributions the need for the greater involvement of refugee community members in decision making, including in informing IOM policy and practice. A follow-up meeting was also requested with senior IOM representatives based in Geneva.

- Read more about IOM's position on the High-Level Meeting on Large Movements of Refugees and Migrants here: refugeesmigrants.un.org/summit-refugees-and-migrants
- Read the press release on IOM joining the UN here: http://www.iom.int/news/iom-member-states-endorse-move-join-united-nations

UNHCR Annual Consultations with NGOs (15-17 June)

The largest and most diverse annual gathering of NGOs involved in working with refugees, the 2016 UNHCR Annual Consultations drew nearly 600 delegates representing 300 organisations in 90 countries, including 25 youth delegates involved in the GRYC. The theme of the gathering was "Youth — the future is now". This theme (drawing from the GRYC held earlier that week) was explored through sessions which discussed the topics of youth participation, safe asylum space for youth, youth and technology, youth as humanitarian actors, health and well-being, challenges for youth in adult roles, transitions from school to workplace, youth employment and entrepreneurship, youth and integration, resettlement and innovation through youth as change makers. The geographic sessions — focusing on Africa, Asia-Pacific, Middle East and North Africa, the Americas and Europe — looked at current refugee needs from the perspective of refugee youth and the solutions that are being pursued.

Themes from this year's consultations

In his address to the opening plenary at the NGO Consultations, High Commissioner Filippo Grandi highlighted the importance of recognising the particular situation of refugee young people and of increasing refugee youth participation. Mr Grandi described youth as "agents of change" who need the support to help build their capacity and develop their practice of leadership. "We need to make youth participate more in the design of programs, especially programs that are designed for young people," he said. Mr Grandi described young people as a group which had too often fallen by the

wayside, and affirmed the importance of their inclusion in international discussions and activities as they brought new perspectives and knowledge. He said: “We need to be challenged …We need to be reminded that there are new ways to address the challenges that maybe we haven’t thought of. Youth as agents of change seems to me a very important theme.”

In opening the consultations, Mr Grandi highlighted the need to bridge the gap between humanitarian and development work. The High Commissioner spoke of the need to improve relationships with development actors who are also already working on the ground. He emphasised the need to mobilise resources and give more assistance to the protracted situations for refugees and displaced populations, and described how this could be achieved by developing and building connections across the two sectors.

Mr Grandi also emphasised the importance of continued collaborative advocacy, saying "never has there been more need to speak together and to speak loudly. We need to tell them about your stories. We need to tell them about solutions." The High Commissioner called on NGOs to focus on concrete results and improving constructive collaboration from the platform of global summits to the policy level. "[W]e need to find a culture where we can work together," he said.

Some prominent themes in these youth-focused consultations included: the need to focus and find solutions for Children at Risk as a sub-group; how the Age, Gender and Diversity (AGD) approach has been accountable for responding to the needs of young people in particular;, and how youth-led initiatives can be supported.

- A report from the 2016 UNHCR NGO Consultations and related resources are available at: http://www.unhcr.org/2016-annual-consultations-with-ngos

Involvement of Australian delegates in NGO Consultations

NGO and community representatives from Australia — particularly the three youth delegates that participated in the GRYC — were active as organisers, speakers, panellists and facilitators of multiple sessions, in particular in thematic sessions on protection of youth in the Asia Pacific; youth vulnerability to resilience; youth participation; and youth and integration.



Arif Hazara at the opening plenary of the NGO consultations)

Arif Hazara — a young man originally from Afghanistan who arrived in Australia in 2012 having travelled through Pakistan and Indonesia — closed the NGO Consultations, saying: “We have done our best to give you answers, to find you solutions at every single session during the whole Consultations. It is upon you and all of us present to start acting on them.” Arif called on participants to take action and sought their commitment to pursue the implementation of the core actions presented by youth delegates. He asked those who return the following year, to do so with positive and tangible outcomes as a result of this year’s consultations: “We want those clapping hands to take actions; actions necessary to achieve the purpose of the GRYC… It is time you join us and we inspire together!”

For the full script of Arif’s speech please see Appendix C.

The Australian delegation took every opportunity to highlight issues of concern identified by communities in Australia, as well as to discuss the situation in Australia itself. Two key questions were raised by Australian delegates during the opening plenary with the High Commissioner. Dor Akech Achiek (representing Settlement Services International) asked a question about how UNHCR will ensure that those without access to technology are able to have their concerns heard.

Australian youth delegate Arash Bordbar raised the issue of children in detention with the High Commissioner, inquiring about UNHCR's current assessment of efforts to end the practice, and asking for an update on any regions where progress is being made. Furthermore, Arash requested

to know what UNHCR would like to see from NGOs to help push for an end to the detention of children.

A more detailed list of questions asked by Australian delegates can be found at Appendix A.

UNHCR Standing Committee (21–22 June)

The 66th Meeting of the UNHCR Standing Committee focused on international protection, program and protection policy, regional activities and global programs. In his statement on international protection, Assistant High Commissioner Volker Türk described highlights from UNHCR, in terms of both progress and challenges, and also offered some reflections on moving forwards with more equal responsibility sharing for refugees. Other key topics of discussions raised over the course of the Standing Committee included: updates on resettlement and refugee status determination (RSD) processes, global strategic priorities, youth and gender equality, new approaches to displacement, livelihood and self-reliance.

A number of Australian delegates remained in Geneva as observers of the Standing Committee. RCOA, as a member of the International Council of Voluntary Agencies (ICVA), contributed to drafting the global NGO statements that were read at the Standing Committee by RCOA's CEO Paul Power (statement on resettlement), youth delegates Arif Hazara (statement on Conclusions), Arash Bordbar and Sarah Yahya (statement on Youth).

- The Global NGO statements read by Australian delegates at the Standing Committee are available on the ICVA website here: https://icvanetwork.org/ngo-statements-delivered-unhcr-standing-committee
- Public statements by UNHCR at the Standing Committee on various agenda items can be found here: http://www.unhcr.org/search?comid=4a2fc7dd6&cid=49aea93a20&scid=49aea93a15

Issues raised in meetings with senior UNHCR and IOM representatives

Throughout the eight formal days of meetings in Geneva, RCOA arranged side meetings for Australian refugee community and NGO representatives with the directors and senior staff of UNHCR's Asia, Africa and Middle East and North Africa bureaux, and Division of International Protection, as well as with IOM. In the months prior to the meetings, RCOA had worked with refugee community representatives and organisations and NGOs to gather issues of concern from communities in Australia to raise with UNHCR and IOM. A wide variety of issues were raised in the five meetings. The discussions held with the Asia Bureau and Division of International Protection also involved sharing information about Australian refugee policy (see Appendix B).

Below are the concerns raised and key issues that were discussed at these side meetings:

Asia Bureau

- Concerns regarding lack of access to proficient Oromo interpreters in Indonesia and request for use of alternative community interpreters for non RSD-related interactions
- Oromo community members also raised concerns around the number of recently rejected cases and the impact on refugees in Indonesia
- Members of the Oromo diaspora raised concerns regarding lack of access to interpreters for RSD and alternative use of community interpreters for non – RSD related interactions
- Request for information of UNHCR monitoring of Mandaeans in Indonesia and provision of interpreter support
- Members of the Mandaean community diaspora raised concerns regarding access to information from UNHCR and interpreter support in Indonesia
- Lack of support for asylum seekers in Indonesia resulting in individual's self-surrendering to detention facilities in order to access food and shelter
- Concerns regarding limited access to and lack of communication by UNHCR in Indonesia and Malaysia, particularly for those in detention

- Appeals process and protection concerns experienced by refugees in Malaysia, including the concerns regarding English language barriers
- Access to education in Malaysia for refugee youth and how this could be improved
- Concerns regarding the RSD process in Malaysia and intimidating experiences when engaging with UNHCR
- Lack of safe shelter and regularised refugee status for people of concern in Malaysia
- Collaboration between UNHCR, states and diaspora to support voluntary repatriation to Myanmar
- Protection concerns about LGBTQI refugees living of Nauru

Africa Bureau

- Concerns on behalf of the Banyamulenge community were raised about the misidentification of resettlement cases as Banyamulenge
- Abuse and harassment by various government security forces in Sudan, cases of identity fraud, poor treatment by UNHCR staff and lack of appropriate interpreters
- Concerns regarding access to education
- South Sudanese diaspora request for information and advocacy on how populations could be supported in the Nuba region
- Lack of access by humanitarian organisations to regions in South Sudan
- Concerns regarding the prioritisation of resettlement cases in Sudan raised by Eritrean diaspora and the need for increased presence of UNHCR field staff at Shegarab refugee camp

Middle East and North Africa Bureau and Turkey

- Delays for resettlement processing of Syrian and Iraqi refugees out of Syrian, Lebanon, Jordan and Turkey
- Concerns regarding status of Iraqi Mandaeans in Syria awaiting final visa grants
- Lack of access to basic necessities, access to information and issues regarding discrimination by UNHCR staff experience by Mandaeans in Turkey
- Concerns regarding impact of miscommunication and prolonged wait periods
- Birth registration for Mandaeans in Turkey
- Exploitation, fraud and corruption surrounding resettlement processes
- Access to medical services including access to standard vaccinations for children in Lebanon
- Concerns regarding gaps in communication with UNHCR raised by Syrian diaspora
- Protection concerns in Egypt raised by Oromo diaspora

Division of International Protection (including Resettlement Unit)

- The situation facing refugees and asylum seekers sent by Australia to Nauru and Manus Island
- Exploitation, fraud and corruption relating to resettlement processing
- Resettlement of Children at Risk and Unaccompanied Minors
- Torture and trauma and RSD processes

IOM

- Concerns regarding short time frames to complete administration requirements and security clearances for people granted resettlement in Lebanon
- Concerns regarding ‘agents’ or persons claiming to represent IOM in diaspora communities.
- Assisted Voluntary Returns, including to Iraq in ISIS liberated areas
- Lack of access to IOM and lack of IOM engagement with communities regarding programming
- People surrendering themselves to detention facilities in Indonesia in order to access IOM support

For more information on MENA, Asia and Africa regions and UNHCR operations, reports are available from the UNHCR-NGO Consultations website: http://www.unhcr.org/2016-annual-consultations-with-ngos

APPENDIX A

QUESTIIONS RAISED BY AUSTRALIAN DELEGATES AT THE 2016 UNHCR NGO CONSULTATIONS

1.	Power imbalance between refugees and UNHCR staff— question asked by Jorge Aroche, STARTTS: We acknowledge the efforts that UNHCR has taken in hearing the voices of the most vulnerable through the age, gender and diversity mainstreaming framework, and how participatory assessment has been a key component to global programming. One pertinent, ongoing issue, is the disempowerment of individuals while in asylum, the loss of esteem, the loss of cultural capital, and the loss of identities. Similarly, refugees often argue that there are major power differentials between themselves and UNHCR staff and often a gulf in access that is perpetuated by the hierarchy within the organisation and bureaucracy. Refugees feel that to genuinely feel human, is to have their identities valued, and to feel respected, is to have their capacity recognised and embraced. What concrete strategies has UNHCR put in place to empower refugees and to decrease the large power imbalances between staff and those they serve? How can the UNHCR facilitate an environment whereby UNHCR staff look at refugees as equals and similar for refugees to view themselves as such? Response by Assistant High Commissioner for Protection, Volker Türk: *"This is not UNHCR policy. Our policy takes empowerment seriously. But resourcing an issue (e.g. 30% budget met so far this year) and so recognised that the integrity of programs are often compromised."*
2.	Support for UNHCR staff – question asked by Shaun Nemorin, STARTTS: We recognise that UNHCR offices are under-resourced and in particular locations are under great pressure. It is also recognised that many UNHCR staff are doing excellent work and take the organisation's protection mandate to heart. However, in many circumstances refugees report stories of mistreatment from UNHCR staff. Linked to this is how staff in the field process their own experience and substantial research has shown that the impact of vicarious trauma is similar to the effects of those whom have personally experienced trauma themselves. With this in mind, psychosocial issues such as severe secondary stress and post-traumatic stress disorder are pervasive within UNHCR, which obviously impacts on the association between staff and those whom they protect. What concrete strategies and investment have UNHCR put in place to combat vicarious traumatisation, placing a focus on wellness and self-care? How can external support and supervision be provided to all field staff and how can UNHCR benefit from psychosocial expertise from partner agencies to remedy this endemic issue? Response by Assistant High Commissioner for Protection, Volker Türk: *Referred to someone else in UNHCR to speak of staff welfare. It is the issue of scale. We have operation of 15,000 workers across the world. The needs for these psychosocial interventions is significant, and we do need to scale up.*
3.	Communicating sensitively – asked by Dor Achiek SSI: Members of refugee communities in Australia frequently speak about the challenges they or their family members have faced in accessing and communicating with UNHCR and its staff in different countries. We understand that UNHCR is stretched in every direction and staff are under enormous pressure. However, some have suggested that being able to communicate sensitively and

	with empathy and respect for the capacity of individuals to understand the complex environment that UNHCR is working in does not necessarily cost more money, and could go some way in diffusing fears and frustrations. How does UNHCR ensure that staff at all different levels – including those employed as security — are supported to communicate sensitively and with empathy and respect for the people you are serving? And what mechanisms are in place for issues of poor or inappropriate communication by UNHCR staff to be addressed? Response by Assistant High Commissioner for Protection, Volker Türk: *Concerned about reports of behavioural issues of staff — and welcome details about this — but also acknowledged structural issues due to resource constraints. example given of first instance interviews in 7 months in one operation, and this being undesirable but a reality. Said UNHCR takes accountability seriously.*

APPENDIX B

RECENT CHANGES IN AUSTRALIAN REFUGEE POLICY

Updated June 2016

Recent years have seen numerous changes to Australia's refugee and asylum seeker policies, largely as a political response to an increase in the number of asylum seekers arriving in Australia by boat (51,637 arrivals in the five years to December 2013) and a consequent increase in deaths at sea between Indonesia and Australia (at least 862 deaths recorded over the same period). Both of Australia's major political parties have attempted to address this issue through deterrence-based policies which block access to protection in Australia and impose penalties on people who arrive by boat. This document summarises some of the more recent policy changes.

Refugee and Humanitarian Program

During the 2012–13 financial year, the size of Australia's Refugee and Humanitarian program was increased from 13,750 to 20,000 places, divided between offshore resettlement and onshore protection. This was the largest increase to the program in 30 years and resulted in an 87% rise in the number of offshore resettlement visas granted. With the change of government in September 2013, the size of the Refugee and Humanitarian Program was reduced back to 13,750 places, with the majority of these places dedicated to offshore resettlement. This allocation of 13,750 places, with 11,000 reserved for offshore resettlement, will continue until 2016–17, with the Government indicating small increases possible in 2017–18 (to 16,250 places) and then to 18,750 places in 2018–19. In September 2015, the Government announced that it would make additional 12,000 humanitarian places available to refugees from the crises in Syria and Iraq. People in this intake will receive a permanent visa and it is expected that they will arrive within two years from the time the decision was announced.

Immigration detention and community alternatives

Indefinite mandatory detention:

Asylum seekers who arrive without a prior valid visa (by sea or air) continue to be subject to indefinite mandatory detention. As of 31 March 2016, 1,679 people were held in closed immigration detention facilities in Australia, 598 of whom were asylum seekers who had arrived by boat. The average length of detention for people in closed detention facilities was 454 days, with 728 people (43% of the total detention population) having been detained for over a year and 431 for more than two years. As of 31 March 2016, there were 17 children held in closed detention facilities in Australia.

Community placements

The use of community detention as an alternative to held detention was expanded in October 2010. In October 2011, the Government began to release large numbers of asylum seekers from closed immigration detention facilities in to the community on Bridging Visas (subclass E). These visas allow people to live in the community pending resolution of their protection claims. Most asylum seekers living in the community on Bridging Visas have access to Australia's universal health care system, Medicare, and receive a basic living allowance equivalent to the 89% of Centrelink Special Benefit. People who are in community detention can move freely in the community but cannot choose where they live. They must live at an address specified by the Minister for Immigration. They are also subject to curfews and other supervision arrangements. As of 31 March 2016, there were 655 people (including 317 children) in community detention and 28,621 people living in the community after the grant of a Bridging Visa E.

Work rights

Until December 2014, asylum seekers who arrived in Australia by boat after 13 August 2012 and subsequently released from immigration detention facilities on Bridging Visas were not eligible to work. In December 2014, the Government decided to grant work rights to asylum seekers in this group. People in community detention do not have work rights. Most asylum seekers now have a renewed Bridging Visa that does not bar them from working. However, there are still difficulties in timely renewal of Bridging Visas, and practical barriers to obtaining employment. These obstacles mean that many asylum seekers with the right to work have difficulty finding employment to support

themselves. As the processing of their refugee claims continues, it is also likely that people will lose work rights if their claims are refused.

Access to case support

Under the Status Resolution Support Services (SRSS) program, some Bridging Visa E holders who have complex needs are eligible for more intensive casework support but the majority receive little assistance beyond income support. Those who are particularly vulnerable (such as unaccompanied children, and people with significant physical or mental health issues) may be released into community detention, a form of community placement which is more restrictive but also provides more intensive support than what is offered to those released on to a Bridging Visa.

Refugees with adverse security assessments

People who are found to have a well-founded fear of persecution (found to be a refugee), need to be assessed by the Australian Security and Intelligence Organisation (ASIO), before being granted a protection visa. Between January 2010 and November 2011, ASIO issued adverse security assessments to more than 50 refugees. People subject to this assessment could not be sent back to their country of origin as they were recognised as refugees and the Government said that they would be not release them into Australian communities. As a result, they were denied protection visas and remained in indefinite detention in closed detention facilities (some alongside their children). Unlike Australian citizens and permanent residents, refugees do not have a right to appeal the assessment. None of the refugees received reasons or evidence for these adverse security assessments. In the past 18 months, many people in this group have been released into the community after ASIO overturned the adverse assessments. However, around several people remain in detention facilities. Nearly all have now been detained for over six years. In July 2013, the UN Human Rights Committee found that the indefinite detention of these refugees breached the International Covenant on Civil and Political Rights.

Visa cancellations

The legislative amendments to section 501 of the Migration Act 1958 in December 2014 added additional grounds on which an individual can fail a character test. These amendments now permit (and in some instances, require) the Minister for Immigration to cancel a person's visa (temporary or permanent) on the basis of character issues, such as having committed a crime or posing some form of perceived threat to the Australian community.

People who have been sentenced to 12 months or more in prison or those who have been sentenced to two or more terms of imprisonment, where the total of those terms is 12 months or more will have their visas mandatorily cancelled. The new cancellation powers place people from refugee backgrounds at risk of prolonged indefinite immigration detention, as they cannot be returned to their countries of origin.

Border Force Act

The Australian Border Force (ABF) Act took effect on 1 July 2015. The Secrecy and Disclosure provisions of the ABF Act makes it a crime punishable by two years imprisonment for an "entrusted person" to make record of or disclose protected information. According to the ABF Act, the "entrusted person" could be an Immigration and Border Protection worker, including people engaged or employed by the Department of Immigration. This can include medical professionals, educators, and others contracted by the Australian Government to perform services on behalf of the Department.

Refugee Status Determination (RSD) and legal advice

Excision policy

Under Australian law, a person who arrives by boat without authorisation is barred from applying for any sort of visa, including a Protection Visa, unless the Minister for Immigration personally intervenes to "lift the bar". Known as excision, this policy previously applied only to specific outlying territories of Australia (such as Christmas Island) excised from the migration zone but has been extended to the whole of Australia since 2013. As a result, asylum seekers who arrive anywhere in Australia by boat cannot apply for a visa except at the discretion of the Minister for Immigration.

Delays in refugee determination

Since August 2012, and following the Federal election in September 2013, refugee status determination (RSD) was suspended for asylum seekers who arrived in Australia by boat. Most asylum seekers living in the community on Bridging Visas waited for well over three years for the opportunity to lodge a protection application. Processing of claims has now recommenced but it is expected to take at least until the end of 2018 before the backlog of refugee claims is cleared.

The 'fast track' process

Australia has introduced a 'fast track' RSD process for asylum seekers who arrived by boat between 13 August 2012 and 1 January 2014 and were not taken to Nauru or Papua New Guinea for offshore processing. If their claims are rejected by the Department of Immigration, this group of asylum seekers will no longer be able to apply for review to the Refugee Review Tribunal, the independent statutory authority which used to conduct merits reviews of refugee claims. Instead, the Department of Immigration will decide which of its own negative decisions will be referred to a newly established body, the Immigration Assessment Authority (IAA). The intention of the IAA is to provide a far more limited form of review: asylum seekers generally will not be interviewed and no new information can be presented other than in exceptional circumstances. If an applicant assessed to be an "excluded fast track review applicant", they will be excluded from any form of merits review under the fast track system. Fast track applicants will usually have access to judicial review. However, the Minister for Immigration has the power to issue a 'conclusive certificate' which prevents an initial decision from being changed or reviewed.

Changes to RSD and how Australia defines 'refugee'

In addition to the fast track process, the Australian Government has made a number of changes to Australia's processes for assessing asylum claims, including shifting the burden of proof on to asylum seekers, removing the references to the Refugee Convention from Australia's migration legislation, removing the reasonableness test from consideration of relocation options for people facing persecution, requiring the Administrative Appeals Tribunal to draw unfavourable inferences about the credibility of refugee claims in some circumstances and creating new grounds to deny Protection visas to people who provide false identity documents.

Removal of government-funded legal advice

Many asylum seekers who arrive without valid visas are no longer eligible for government-funded legal advice. Asylum seekers who arrive with valid visas, and asylum seekers who arrived by boat and have been identified as particularly vulnerable by the Department of Immigration (such as most people in immigration detention subject to fast track processing and also unaccompanied children), are eligible for free legal advice at the primary stage of decision-making but no longer at the merits review stage.

Amalgamation of review tribunals into the Administrative Appeals Review Tribunal

On 1 July 2015, the Migration Review Tribunal (MRT), Refugee Review Tribunal (RRT) and Social Security Appeals Tribunal (SSAT) merged with the Administrative Appeals Tribunal (AAT). The amalgamated AAT is responsible for the independent review of a wide range of decisions made by the Australian Government, including the Department of Immigration. Decisions that could be reviewed by the former MRT or RRT, or the cases referred to these review bodies before 1 July 2015 for which a decision was not made by that date, are now reviewed by the AAT's Migration and Refugee Division.

'Enhanced screening' of Sri Lankan and Vietnamese asylum seekers

Since October 2012, asylum seekers arriving by boat from Sri Lanka have been subject to 'enhanced screening'. Under this process, asylum seekers are interviewed by two officers from the Department of Immigration about their reasons for travelling to Australia. If they raise concerns which suggest they may have a valid protection claim, they are 'screened in' so that their claims can be formally processed. If they do not raise any protection concerns, they are 'screened out' and returned to their country of origin without having the opportunity to formally lodge a protection claim. This system lacks transparency and denies asylum seekers the opportunity to have their claims fairly assessed. More than 1,000 people have been 'screened out' and returned to Sri Lanka since this system was

introduced. In July 2014, a group of 41 Sri Lankan asylum seekers who had attempted to enter Australia by boat were intercepted by Australian authorities and screened at sea before being returned to Sri Lanka. Some subsequently fled to Nepal where they were found to be refugees by UNHCR. Another group of 12 Sri Lankan asylum seekers whose boat was intercepted by the Australian authorities near Cocos Island in May 2016 were also screened at sea before being flown to Sri Lanka. They were reportedly arrested on arrival at the Colombo airport. This 'enhanced screening' process has been expanded to people from Vietnam seeking protection. In March and July 2015, two boats carrying Vietnamese asylum seekers were intercepted by the Australian navy and their passengers underwent enhanced screening before being returned to Vietnam. Asylum seekers on the first boat were held at sea for nearly a month. It has been reported that some of the people on board the first boat were subsequently tried and sentenced to two to three years in prison. Another group from the second boat is awaiting a trial.

Offshore processing

Transfers to Nauru and Papua New Guinea

Asylum seekers who arrived in Australia by boat after 19 July 2013 are subject to offshore processing. Under this policy, asylum seekers are transferred to detention centres in Nauru and Papua New Guinea's Manus Island where their claims are processed under the laws of those countries. If they are found to be refugees, they will be settled in a country other than Australia. Nauru is offering recognised refugees temporary visas with permanent protection available only if they choose to resettle in Cambodia. While PNG has adopted a National Refugee Policy which would allow for permanent settlement and a pathway to citizenship, in practice the process of settlement remains fraught. As of 30 April 2016, 1,367 asylum seekers were detained in Australian-funded Offshore Processing Centres – 469 (including 50 children) in Nauru and 898 on Manus Island. Additionally, 59 refugees were living in Manus Island's East Lorengau Transit Centre and 28 refugees were living elsewhere (presumably still in PNG). This suggests that up to 992 refugees and asylum seekers sent to Manus Island remain in PNG. In Nauru and since October 2015, some people who were found to be a refugee have remained in the processing centre under 'open centre' arrangements due to unavailability of housing in the community. It is unclear exactly how many are now in the community, although on 3 May 2016 the Minister for Immigration indicated around 700 are living in the community and 350 of those are employed. This suggests that the total number of refugees and asylum seekers on Nauru is between 1100 and 1200.

Legality of detention in PNG

In late April 2016, the PNG's Supreme Court ruled that the transfer and detention of asylum seekers on Manus Island were illegal and in breach of the right to personal liberty in the PNG constitution. The Supreme Court ordered that immediate steps be taken to end the detention of asylum seekers in PNG. The Australian Coalition Government and the Labor Opposition continue to rule out bringing the people held on Manus Island to Australia. New Zealand's previous offer to resettle 150 refugees within its existing quotas has so far been refused by the Australian Government.

Detention centre conditions

Accommodation standards, facilities and services in the detention centres remain well below international standards. UNHCR and Amnesty International have documented the harsh nature of the conditions and noted the physical and mental health impacts of indefinite detention on the asylum seekers. There have been numerous incidents of self-harm, protests and disturbances on both Nauru and Manus Island. There have been consistent and alarming reports of abuse (sexual and otherwise), including of those living in the community in Nauru and of gay and lesbian people. There has been at least one death as a result of delays in medical treatment and multiple incidents evidencing woefully inadequate health care.

Deaths of asylum seekers and refugees on Manus Island and Nauru

In February 2014, peaceful protests by asylum seekers detained in the Manus Island facility degenerated into a riot. Security guards and police stormed the facility and violently attacked asylum seekers, including people who had not been involved in the protests and were attempting to take shelter in their rooms. One asylum seeker, Reza Berati, was beaten to death and over 60 others were injured, some of them seriously. In September 2014, asylum seeker Hamid Khazaei died from

a sepsis infection three weeks after he cut his foot at Manus Island detention centre. Inadequate medical care in Manus Island and PNG and delayed medical evacuation allegedly contributed to Mr Khazaei's death. In late April 2016, Omid Masoumali, a refugee who was living in Nauru for three years set himself on fire and passed away two days later in a hospital in Brisbane. It took over 24 hours for him to be medically evacuated and transferred to Australia. A few days later, a Bangladeshi refugee living in Nauru died of a suspected heart attack. However, some alleged that he died after deliberately overdosing on tablets.

Border protection

Operation Sovereign Borders

Soon after the change of government in September 2013, the Australian Government established "Operation Sovereign Borders", a military-style response to the movement of asylum seekers by boat to Australia, led by a three-star commander reporting directly to the Minister for Immigration. Australian naval and customs officers were issued with orders to turn back boats carrying asylum seekers "when it is safe to do so". The Government reveals little information about turnback operations, claiming that doing so would jeopardise their success through providing intelligence to people smugglers. However, in the beginning of 2016, the Department of Immigration reported that since the first boat turnback on 19 December 2013 and until 31 December 2015, 23 boats carrying 685 people had been turned back. In June 2015, allegations were aired that officials of the Australian Security Intelligence Service had paid people smugglers to take 65 asylum seekers intercepted on the seas back to Indonesia. The Australian Government refused to comment on these claims "for security reasons".

Use of lifeboats

As part of turnback operations in 2013 and 2014, asylum seekers were transferred from their boats to Australian vessels and forced to board fully-enclosed and "unsinkable" lifeboats which were then pushed back towards Indonesian territorial waters.

Detention at sea and transfers

In July 2014, 157 Sri Lankan asylum seekers who attempted to enter Australia by boat were detained on an Australian customs vessel for four weeks before being brought to the Australian mainland and then transferred to the offshore detention centre in Nauru. The Government had been considering options to return them to India (their point of departure), including through inviting Indian consular officials to meet with the asylum seekers and training some asylum seekers to operate the "unsinkable" lifeboats used in turnback operations. The Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act passed in December 2014 gives the Immigration Minister the power to detain people at sea (including outside Australia's jurisdiction) and send them to other countries or vessels, even without the permission or knowledge of those countries. As noted earlier, the Australian Government has also detained Vietnamese asylum seekers at sea, conducted 'enhanced screening' of their protection claims and then transferred them back to Vietnam.

Regional deterrence strategies

The Australian Government is working with other governments in the region to strengthen border protection and deterrence measures so as to combat people smuggling and reduce 'irregular movement'. Measures have included donating patrol vessels to Malaysia and Sri Lanka, stationing Australian Customs and Border Protection officials in Indonesia, Malaysia and Sri Lanka and capacity-building initiatives.

Temporary Protection Visas (TPVs)

Previous policy

TPVs were previously in place in Australia between 1999 and 2008. Granted to refugees who arrived in Australia by boat, TPVs allowed their holders to remain in Australia for three years, after which time they had to re-apply for protection. TPV holders could not travel outside Australia, sponsor family members for resettlement and had only limited access to services and support. The negative impacts of these conditions on the health, wellbeing and settlement outcomes of TPV holders have

been well documented. In practice, the TPV policy proved impractical because few refugees with temporary status were ever able to return home safely. By the time it left office in late 2007, the Howard Government had quietly granted permanent protection to more than 9,500 of the 11,300 refugees previously on TPVs.

Reintroduction of TPVs

Temporary Protection Visas were reintroduced in 2015 for all people found to be owed protection but who arrived in Australia without a prior valid visa (by sea or by air). TPVs allow a refugee to stay in Australia for a maximum of three years, after which time their protection claims are reassessed. In contrast to the previous TPV policy, TPV holders who are found to be in need of protection after their initial visa expires are only permitted to apply for another temporary visa and are not eligible for permanent residency. TPV holders are allowed to work in Australia and have access to Medicare, income support and English language tuition. They are also able to receive torture and trauma counselling and assistance with finding employment. However, they are not eligible for the full range of settlement support services available to other humanitarian entrants. Additionally, they cannot sponsor their family members to join them in Australia and will be barred from returning to Australia if they travel overseas (unless they are given permission from the Minister for Immigration and can demonstrate compelling circumstances for their travel outside Australia). People on TPVs will have difficulty engaging in education and training, as unlike holders of permanent humanitarian visas, they are not eligible for Federal Government programs designed to assist students with financing tertiary study. Unlike permanent residents, refugees on TPVs who require income support only receive payments through Special Benefit, rather than through other income support programs such as the Newstart Allowance, Youth Allowance or Austudy. Recipients of Special Benefit who wish to pursue tertiary study can only continue to receive income support if they are undertaking a vocational course that is likely to enhance their employment prospects and which can be completed in 12 months or less. As such, refugees on temporary visas undertaking courses which take more than 12 months to complete will not be able to receive income support during this time. This is likely to seriously limit tertiary education opportunities for these visa holders.

Safe Haven Enterprise Visas (SHEVs)

This new temporary visa is similar to the TPV but will be issued for a period of five years. A refugee living on a SHEV will need to indicate an intention to work and/or study in a designated regional or rural area. If SHEV holders undertake study or work without accessing income support for at least three-and-a-half years, they will be able to apply for another type of temporary or permanent visa (such as a skilled or family visa but not a permanent Protection visa). While SHEVs may provide a pathway to permanent residency for some refugees, it is unlikely that most will be able to satisfy the eligibility requirements for permanent visas as they currently exist. So far New South Wales, Victoria, Tasmania, South Australia and Queensland have opted into the SHEV arrangement. While the postcodes of the areas considered part of regional Australia for the SHEV arrangements in NSW and Tasmania have been determined, the details of postcodes eligible for this arrangement in other states are still being finalised.

Other measures

Use of term 'illegal maritime arrivals'

In October 2013, the Australian Government instructed government staff and contractors to refer to asylum seekers arriving by boat as "illegal maritime arrivals" (previously "irregular maritime arrivals"), despite the fact that it is not illegal under Australian and international law to arrive without authorisation for the purpose of seeking asylum.

Denial of family reunion

Refugees who arrived in Australia by boat and have yet to achieve citizenship have virtually no opportunities for family reunion. While they can be technically eligible to apply to sponsor family members in some situations, they are considered the "lowest processing priority", meaning that their applications have very little chance of success. In addition, TPV and SHEV holders are not permitted to sponsor family members under any program and will not have the opportunity to become citizens unless the Minister for Immigration chooses to grant them permanent residency (in the case of TPV

holders) or they are able to satisfy the eligibility criteria for a permanent Australian visa (in the case of SHEV holders).

APPENDIX C

CLOSING PLENARY SPEECH BY ARIF HAZARA

Good afternoon everyone! It is a great honor to be here amongst you. It is indeed privilege to represent and speak on behalf of millions of incredible young refugees and asylum seekers. At the same time, it is a huge responsibility and I hope that I will do justice. Before I introduce myself, Can I please make sure that everyone in the room has a pen and a note or something to write on because you might need it later.

My name is Arif Hazara, I am a Hazara refugee from Hazarajat region of Afghanistan. I sought refuge in Australia by taking a perilous boat journey in 2011. I am an Assistant Accountant by profession and I pursue education, I go to University as well. I am a volunteer with Multicultural Youth Advocacy Network and Refugee Council of Australia. Being an education seeker myself, I am very passionate about asylum seeker and refugee's rights and their ability to access every form of education wherever they are. I have personally witnessed how young refugees and asylum seekers have made that possible themselves – even in countries like Australia where onshore asylum seekers are not very liked. We have been able to convince Universities to offer scholarships, schools to enroll asylum seekers. That's the power refugees have.

The time has come! The time has come not to say good bye because most of us will converge here next year as well, perhaps with a different team. The time has come to start talking straight!

It has been long and laborious journey, days and months have been spent to ensure that young people's contributions are documented. Ten global consultations were held in addition to some in other countries. The emotion has taken its toll. I have seen volunteers in tears (Ciara, you are noted). I have never been that emotional — even when six years ago I left my mum and have never been able to see her again. Being part of this whole process was very emotional. I was in tears when I was doing a speech at the Asia-Pacific session. We have exhausted ourselves to convince the world that there is a way, our way! That just saying we lack resources is not the answer.

We can't do it alone, if we could, we wouldn't come here. Please do not go from here thinking that young people are amazing and they will take care of themselves. We have done our best to give you answers, to find you solutions at every single session during the whole Consultations. It is upon you and all of us present to start acting on them. Reports of Global Consultations will also be made available online for everyone. Please go and read them.

"We Believe in Youth" It's only youth who I've seen saying we believe in youth. It has got to adults to should say and it mean it. Merely saying 'we believe in youth' is an empty statement, a rhetoric if that belief is not incorporated in policy making, decision making and allocation of funding.

The time has come! The time has come to go beyond young people being paraded around. The time has come to go beyond celebrating achievements. The time has come that we start taking actions.

Let me ask you this question, was this year's consultation different, more productive, inspiring compared to the previous ones? Were you inspired by the amazing young refugees? Well, we do not want you to be only inspired, we do not want you to only applaud us. We want those clapping hands to take actions, actions necessary to achieve the purpose of the GRYC. Actions required to implement the seven core actions formulated by youth delegates during the Global Refugee Youth Consultations. We want you to be motivated, motivated to take actions!

Before I end, can I please Thank everyone of you present in this room. It is you guys in the room and many others who are not present, that we refugees and asylum seekers look upon as our last hope. I would also like to thank UNHCR and other NGOs who made GRYC possible.

There was a reason that we held GRYC Consultations, there was a reason to have "Youth" as theme of this year's consultations – and the reason was to acknowledge that specific needs of young refugees have not been properly met.

Can I please end by seeking a commitment from everyone present in this room, UNHCR, NGOs, Governments, Everyone! Please do not worry, It's not a written commitment, it's a commitment of WILL. And if you feel that you should do something, please grab your pen and start writing when I

pose these open questions. I would like to note that we do need immediate answers, youth do need seek immediate answers. Let’s give ourselves a year. Will you dedicate resources in your own organisation to prioritise young people? What will you do in your organisation to make those structural changes, to accommodate and acknowledge the needs of young people, giving them opportunities so that they are able to realise their potential, their aspirations? Will you come here next year with something real and tangible that you are able to proudly talk about?

It is time you join us and we inspire together! Thank you very much!