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STARVING THEM OUT

How the Australian Government is forcing people seeking asylum into destitution



Over the past 25 years, people have been supported while seeking asylum through a basic living allowance and limited casework. These support programs were designed so that people can more effectively resolve their claims for protection.

In the past few years, and especially since August 2017, the Australian Government has been making it harder for people to access these support programs. This is forcing vulnerable men, women and children into destitution.

More drastic changes coming in 2018 are likely to drive thousands more into destitution. People will lose their housing, and will be deprived of food, clothes and essential medicines. They will turn to community organisations around the country, which operate without any government funding and are already at breaking point after years of assisting people subject to punitive asylum policies.



Background

People seeking asylum in Australia

People seeking asylum in Australia come either by plane or by boat. Australia treats these two groups of people quite differently, with especially punitive policies for people coming by boat.

When the Coalition Government came into power in 2013, there were around 30,000 people seeking asylum who had come by boat. Most of these people have been in Australia for more than five years now. Many of them had been prevented from seeking protection by laws and policies, while others were still going through several reassessment processes. Many of them had been detained in Australia and others were transferred to and from Manus Island, in Papua New Guinea, and Nauru.

Most of these people are now living in our community on a bridging visa known as bridging visa E. While this gives them lawful permission to stay in the country, the rights and conditions of these visas have changed over time.

The Coalition Government came to power with the aim of providing only temporary protection for these people, and promising to introduce yet another system for deciding whether they were refugees, misleadingly called the 'fast track' system. This was meant to have decided their claims by the end of 2017, but in practice, only about half of the claims were decided by January 2018. This is partly caused by the withdrawal of government funding for legal advice and representation of this highly vulnerable group.

Under the 'fast track' process, the process of reviewing the Department's decisions on refugee status was also changed. This reduced the independence and quality of the review, creating a real risk of returning people to persecution. People who have been refused protection under this system can apply to a court to review the legality of the Department's decision, but court hearings can be months or even years away, with some people now receiving court dates in 2021.

This process does not apply to a smaller group of people who came to Australia by boat before 13 August 2012 but whose claims had not been finalised by September 2013. This group of people, however, can only get temporary protection, even though they made their protection visa applications when the temporary protection visa regime was not in place.

People who come by plane on a valid visa (for example, as a student) can also claim asylum. The process of seeking protection for them is now different from those who came by boat, as they are entitled to permanent protection and are not subject to the 'fast track' process. Typically, people in this group are given bridging visas with the same conditions as the visa they came on. These conditions are generally more favourable than those under the bridging visa E, but often will have restricted access to Medicare and social security benefits. Waiting times for decisions under this process now stretch into years.

History

A program to support people seeking asylum, called the [Asylum Seeker Assistance Scheme \(ASAS\)](#), was first established in July 1992. People could only access the scheme if they were waiting for their application for protection to be decided, and could not meet their most basic healthcare and living needs. The program was established as this very vulnerable group could not access any other form of Government-funded support, including social security and Medicare.

Another program, the Community Care Pilot (later changed to the '[Community Assistance Support](#)' or CAS program), was established in 2005. This was for people who became vulnerable during their migration journey (including forced migration), and could not meet their basic needs while waiting for their visa application to be finalised.

In the same year, [community detention](#) (also referred to as 'residence determination') was introduced. The Minister for Immigration was given the power to make a 'residence determination' for a person in immigration detention. This meant the person could leave a detention facility and live in a specified residence in the community. A person in this position is said to be in 'community detention'.

While the name and eligibility criteria of these programs have changed over the years, they have always been based on departmental policy and are not supported by any legislation. Changes to the programs therefore do not require Cabinet approval or legislative change.



Current program

The current support program, called Status Resolution Support Services (SRSS), replaced the above programs in 2014. It has six different levels of support ('Bands'), depending on the circumstances of the person on the program.

Under most Bands, people receive a basic living allowance (typically 89% of Newstart allowance, currently \$243 per week for a single person with no children), casework support, access to torture and trauma counselling and subsidised medication. For people who are not eligible for Medicare, the cost of healthcare in line with Medicare may be covered.

The Department of Home Affairs (previously the Department of Immigration) determines the criteria for accessing support, and the level of support people get in each Band. It also approves or refers a person to receive support through these programs and determines their support Band. There is no external process of review or appeal from these decisions.

Those Bands, and the numbers of people on them at 28 February 2018,¹ are:

Band 1	Support for unaccompanied minors in places of detention	1
Band 2	Support for unaccompanied minors in Residence Determination arrangements ('community detention')	16
Band 3	Support for adults and families in Residence Determination arrangements ('community detention')	424
Band 4	Transitional support for people leaving immigration detention facilities following the grant of a visa	27
Band 5	Support for any vulnerable migrant with an unresolved immigration status (including people seeking asylum) who are living in the Australian community on a valid visa (formerly known as 'Community Assistance Support'). Recipients of Band 5 usually have more complex needs and require intensive casework support.	397
Band 6	Support for people seeking asylum living in the Australian community on a valid visa (formerly known as 'Asylum Seeker Assistance Scheme')	12,434
Total		13,299

People can also seek support under Band 6 by being assessed for eligibility by an SRSS service provider. If the person is considered eligible, the provider will assist them to complete the application and submit it to the Department for a decision on whether the person can access support. However, people who are waiting for a court decision on their visa application cannot access support through Band 6.

Those in Band 5 usually have more complex needs and receive more intensive casework support. Those in community detention (now either 'Band 2' or 'Band 3' depending on the age and family status of the recipient) receive more limited financial support because they are provided with housing. They receive healthcare support from International Health and Medical Services (IHMS).²

Service providers

For many years, Australian Red Cross was the only provider of these support programs. However, in recent years (mainly from 2012), the then Department of Immigration contracted more service providers across the country.

Australian Red Cross was the only national provider with offices in all states and territories. Service providers delivering the program in different states and territories are:

- In **Australian Capital Territory**: Life Without Barriers
- In **New South Wales**: Settlement Services International (SSI), Life Without Barriers
- In **Victoria**: AMES Australia, Life Without Barriers
- In **Queensland**: Access Community Services, Multicultural Development Association (MDA)
- In **South Australia**: Life Without Barriers, Australian Migrant Resource Centre
- In **Western Australia**: Mercycare,
- In **Northern Territory**: Life Without Barriers, and
- In **Tasmania**: CatholicCare Tasmania.

As of 1 July 2018, Australian Red Cross (who used to operate nationally) and Marist180 (who used to operate in NSW) will not have their contracts renewed. The other service providers will continue delivering the program, and clients of Australian Red Cross and Marist 180 will be transferred to them.

1 [Answer to question on notice no. 99](#), AE18/104, Additional Estimates, Senate Legal and Constitutional Affairs Committee.

2 To read more about SRSS, eligibility, referral process and assistance, see [SRSS Operational Procedures Manual \(Version 5-April 2017\)](#) and the 18 additional addenda obtained under Freedom of Information.

Why do people need the support offered through SRSS?

The SRSS program is the only government-funded support available for people seeking asylum. They are not eligible for any other form of social security payments, cannot access public housing and cannot apply for Low Income Healthcare Cards.

Many of the people who came by boat had been barred from working until recently (people in community detention still do not have work rights). They have also been given minimal or no support by the government to learn English.³ If they want training to improve their knowledge and skills, they need to pay international student fees, which they cannot afford. Even now that many have work rights, employers are put off by the complexity of the visas, their short duration, and the practical challenges of renewing those visas. People also face discrimination and lack local work experience and networks. Those who do get work are at real risk of exploitation and being subject to substandard work conditions.

People seeking asylum have often fled decades of war, persecution and displacement. They have endured extraordinary hardship to reach Australia. Many have been detained by Australia (including on Nauru and Manus Island) and have waited in limbo for years for their claims to be processed. Many live in daily fear of being returned and of never being able to see their loved ones again. The effects of these events on people's mental health make it difficult for many to work, navigate the complex process of seeking asylum, and cope with the daily struggle of living on the margins.

SRSS is not merely about income support. The casework support it offers (even though it has become limited in the past few years) helps people navigate complex systems such as the rental market and services such as health and education. On many occasions, caseworkers have identified and supported clients in situations of workplace exploitation, domestic violence and child abuse.

The support offered through SRSS has been cited by international and European organisations as a global example of success. This is because it provides a cheaper and more humane alternative to immigration detention with a higher compliance rate. Australia has been commended for supporting people in the community while they work with immigration authorities to resolve their immigration status.⁴

Recent changes causing forced destitution of people seeking asylum

In recent years, Government policies and practices have forced many people seeking asylum into destitution. While current and proposed changes to the SRSS program are the most significant, other changes should be noted.

Inconsistent grant of work rights

From 2012 to 2015, almost everyone seeking asylum who came by boat was barred from working, as a condition of their bridging visas. Currently, the general policy is to grant work rights to those who came by boat and are living in the community (on a bridging visa E) while they are waiting for an initial decision (by the Department of Home Affairs) or a review of that decision (by the Immigration Assessment Authority).

If a person is found to be a refugee, he or she will be granted a temporary protection visa with work rights. Otherwise, their bridging visa will expire 28 days after the review decision, and they will need to apply for another bridging visa. The general policy for people waiting for a court decision is that, if work rights were granted previously, they will be granted again.

For many people, renewing bridging visas is a challenging and lengthy process. For some people, the Minister for Immigration personally needs to allow them to apply for another bridging visa ('lifting the bar'). This often means there is a gap between their bridging visas, which affects their employment. However, they are not the only ones who experience this delay. Many of our member organisations and people seeking asylum have told us of difficulties in renewing bridging visas and therefore retaining work rights, often for no apparent reason.

3 Refugees and humanitarian arrivals are eligible for 510 hours of government-funded English language classes and can access extra hours if they require. People seeking asylum are not eligible for these classes. For a short period they could access 45 hours of government-funded English classes spread over 6 weeks but that ceased several years ago.

4 See for example: International Detention Coalition (2015), [There are alternatives: A handbook for preventing unnecessary immigration detention \(revised edition\)](#), 52; Detention Action (2016), [Without Detention: Opportunities for alternatives](#), 37.



We have also heard many times that even when the bridging visas are renewed, work rights are inconsistently granted. People seeking asylum who came by plane routinely report that they lost their work rights when they applied for a bridging visa and have no way of supporting themselves. Some have been forced to leave work as a result and have become homeless and destitute. Many spoke of this as a punitive measure to force them to leave Australia before their application is finalised, especially as it is now taking several years for the Department to decide claims for protection for people who have come by plane.

Renewing Medicare and cost of healthcare

The current policy is that most people with a bridging visa E have access to Medicare. In practice, many people find it difficult to renew their Medicare cards.

The most significant challenge is for people on short bridging visas, who need to apply for a new Medicare card every few months. People need to go to a Medicare office to renew their Medicare cards as they have to be seen before a new card is issued (this can be as frequent as every six weeks). At times, they are not issued with an interim Medicare number and are forced to wait for days, or often weeks, until they receive the card in the mail.

People also have been refused a new Medicare card because their identification card (Immicard) appears to have expired, as Medicare staff are unaware that they need to check visa status online. The most common feedback is that people's experiences have differed greatly depending on the Medicare office they use, as some Medicare workers do not have experience dealing with people seeking asylum.

Gaps in Medicare access can have profound impacts on people with serious health issues. People who are on a treatment plan suddenly cannot visit their doctor and continue treatment unless they pay hundreds of dollars.

People seeking asylum are also not eligible for a Low Income Healthcare Card, which means that they have to pay the full cost of medications if they are not on the SRSS program. For those with chronic physical health issues, this can amount to thousands of dollars a month.

People who come by plane on another visa and then seek asylum are often on other kinds of bridging visas without access to Medicare. For this group, if they are unable to access SRSS, they need to pay the full cost of healthcare and medications with no subsidies.

Transitioning out of community detention

In recent years, the number of people in community detention has generally decreased as people were granted bridging visas. While this has been welcomed by some because of the restrictions of community detention,⁵ it also means people are either transferred to an SRSS Band with more limited support or to no support at all.

All unaccompanied minors are transferred to other programs with much less support when they turn 18 years old. This is a sudden transition that many of them find confronting and stressful.

In September 2017, over 60 people who had been transferred to Australia from Nauru and Manus Island for health or protection reasons and had been living in community detention were granted 'final departure' bridging visas with no SRSS support. This forced them into destitution, as they could not support themselves because of their significant health challenges. As well, before they were given these visas they did not have the right to work or study so were unable to gain work experience or improve their skills and knowledge. There are over 300 people who face a similar risk if they are exited from community detention without access to funded SRSS support.

Support on the SRSS program

In 2014, when the SRSS program replaced previous programs, the number of clients a caseworker had to support increased significantly. The program also shifted towards ensuring compliance, rather than offering holistic casework support.

Many clients, especially those on Band 6, lost their dedicated caseworker and mainly spoke to the SRSS service providers through occasional phone calls. To get assistance, they often needed to call the agency's hotline or attend the agency's drop-in centre. This made it much more difficult for caseworkers (usually qualified and experienced social workers) to work effectively with clients and to identify concerns relating to mental health, family issues or worker exploitation.

⁵ Those restrictions include a lack of work and study rights, having to live at an address specified by the Department, having a curfew and needing to apply to the Department to spend even one night in another property.

There has also been a drastic decrease in the number of clients on Bands 3 and 5, which both allow for more intensive casework. Some service providers have told us of their many unsuccessful attempts to keep their clients on some form of support (usually Band 5), especially those vulnerable clients who could not get Band 6 support after an unfavourable decision at the review stage. In one example, the Department finally agreed to keep a homeless man with a brain tumour on Band 5, but only agreed to pay the cost of his healthcare without offering him any other financial assistance.

Recent changes to SRSS program

Since August 2017, there have been changes to the SRSS program which have dramatically reduced the number of people eligible for support. This is likely to continue and affect a greater number of people.

The recent changes are:

- People who are studying full-time are no longer eligible and have been exited from the program on this ground;
- People who have transferred more than \$1000 to a domestic or overseas bank account over a 12-month period are no longer eligible. This can have great implications for those who transfer money to pay their rent, shared utility bills, and other expenses and is unclear how it will be monitored.
- People on other types of visas (for example students or visitor visas) are no longer eligible while their other ('substantive') visa is valid (this can often be years).

These changes were made by the Department through additions to the SRSS Operational Procedures Manual,⁶ without consultation. We were alerted to the issue by our organisational members who saw more people seeking support from unfunded agencies as they were refused or lost their access to the SRSS program.

There were many reports of people being exited off SRSS support because they had transferred small amounts of money overseas, for example \$50, many years ago. Some were told they would need to pay back thousands of dollars in SRSS support from the date they made the bank transfer, creating significant stress for many.

Eventually, the policy was clarified so that debts could only be incurred for payments made after 3 November 2017, the date the SRSS providers were first notified of this policy. It was also clarified that people would only lose support if there had been transfers amounting to \$1000 or more over a twelve-month period.

While we understand debts incurred for payments before 3 November 2017 were reversed, it is unclear if people who had been removed from the program as a result have been able to regain access to support. This is especially of concern as service providers report that it is almost impossible for people to regain access to the program (for example, after they have lost their jobs) or to be escalated to a higher level of support if they become more vulnerable.

There also continues to be cases where people have been refused access to SRSS after losing their jobs because they transferred money overseas. However, that transfer was made from their own income while they were employed. With current government policies denying family reunion to almost all people arriving in Australia by boat, supporting families living in precarious and dangerous situations overseas is the only practical assistance people can offer to their loved ones.

Who will be affected by these changes?

These changes can affect anyone who has an unresolved immigration status and is unable to support themselves. They can affect those who have come to Australia by plane and then sought asylum, as people can no longer get support if they have a valid visa which is not a bridging visa.

These changes can also affect people who may not be seeking asylum but are vulnerable migrants, such as women who came to Australia on a partner visa but find themselves in a situation of domestic violence. They can be left without any financial or healthcare support.

These changes also affect bright young students who are seeking asylum and have won scholarships to university, as those studying can no longer receive support.

This group of people will be added to an already large number of people who have no means of support and are relying on charity to survive because of various government policies. This includes people seeking asylum who are seeking judicial review of their negative appeal decision and have been ineligible for SRSS support. This also includes people transferred to Australia from Nauru and Manus Island for health and protection reasons, to whom the Australian government decided not to extend SRSS support after they were taken out of community detention.

It should be noted that not everyone in the above groups is going to be affected because not everyone is receiving SRSS support (such as people who are currently working). However, after these new changes, the majority will have no safety net and nowhere to go for support if they lose their jobs or their work rights.

6 <https://www.homeaffairs.gov.au/AccessandAccountability/Documents/FOI/fa171100201-documents-released.pdf> See addenda 15 and 17.



Impact of the recent changes

People who are going to be affected by these changes are already living on the margins of our society. They have no government-funded support other than SRSS. Many had been barred from working for prolonged periods of time and their access to healthcare has been inconsistent.

They have had to scrape by in Australia, typically without networks, on 89% of a living allowance that is widely condemned as inadequate for Australians. In the absence of appropriate and holistic casework support offered through the SRSS model, they often relied on their own communities or overstretched voluntary community organisations for additional support or to navigate various systems, such as health and education. Women fleeing domestic violence were ineligible for most support services, including shelters. Those with a disability are ineligible for support through the National Disability Insurance Scheme. Those people who have been able to work are often not making a sufficient income to support themselves and rely on reduced income support in order to pay for rent, food, and medicine.

Depriving these people of income and casework support will have severe consequences for their access to housing, health care, education, and employment. Many with chronic and life-threatening illnesses will be left on their own to survive, with no access to subsidised healthcare and medication. It will mean many of these people will be at least delayed, and probably denied, the ability to settle for years to come. At its worst, it could be the tipping point for many people and drive them to acts of desperation, including acts of self-harm.

The voluntary sector, including many people from refugee communities themselves, will also feel the impact of these changes. After four years of punitive policy changes, many people and organisations are already exhausted and overstretched, and the long-term nature of support required will be beyond the resources of most.

Future reductions in SRSS support

Imminent changes to the design of the SRSS program will see eligibility for the program further restricted and the number of people able to access support under SRSS further reduced. The Government indicated that people who have work rights and do not meet a high threshold of vulnerability are expected to secure employment and will be exited from the program, whether they have employment or not. People will be expected to find employment without further employment support. Currently, people on bridging visas can only get support under Stream A of the jobactive program. This is a stream designed for the people who are most job ready and require minimal support from the providers. It mainly includes providing access to a computer and the Internet.

In the next few months, SRSS providers and the Department will assess the vulnerability of all current SRSS recipients. The four elements to the vulnerability assessment are:

- Physical health barriers that are ongoing; permanent disability; or cognitive impairment
- Mental health barriers, with a current diagnosis and treatment plan in place
- Single parents with pre-school aged children (children under six); pregnant women with complications; a primary carer for someone with a significant vulnerability; people aged 70 and over
- A major crisis for the client (family violence, house fire, etc)

The Department will also use its own information to conduct assessments (the Community Protection Assessment Tool, CPAT) and may seek a second opinion on certain issues via experts, e.g. for health matters it may use the Chief Medical Officer.

Timeframe

- 9 April 2018: the Department provides a list of all single adult men and women with work rights on Band 6 to SRSS providers ("first wave"). It excludes certain Red Cross and Marist 180 clients, as these providers have not had their contracts renewed. The assessment of these clients is delayed until July 2018. SRSS providers conduct vulnerability assessments and must report back to the Department by 7 May 2018. There will be approximately 3,000 people in this wave.
- 1 May 2018: new SRSS Program model will apply to all new applicants.
- 7 May 2018: deadline for SRSS providers to provide details of vulnerability to the Department on "first wave" clients for consideration
- 21 May 2018: Department notifies SRSS providers about families in Band 6 who have work rights ("second wave").
- 4 June 2018: First wave clients not identified as having an excluding vulnerability will be notified of exit from the SRSS program and will have 7-10 days to transition off, whether they have employment or not.



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