



# Refugee Council of Australia

DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION

## **SUBMISSION ON INTRODUCING A TEMPORARY VISA FOR PARENTS**

The Refugee Council of Australia (RCOA) is the national umbrella body for refugees, people seeking asylum and the organisations and individuals who work with them, representing over 200 organisations and around 1,000 individual members. RCOA promotes the adoption of humane, lawful and constructive policies by governments and communities in Australia and internationally towards refugees, people seeking asylum and humanitarian entrants. RCOA consults regularly with its members, community leaders and people from refugee backgrounds and this submission is informed by their views.

RCOA welcomes the opportunity to give feedback on the development of a new temporary visa for parents of Australians; however, we hold concerns about various aspects of this proposal. RCOA is concerned that this new temporary visa may not provide a family reunion pathway for people from a refugee background. The proposed sponsorship requirements, temporary nature of this visa and factors that could determine the length of the visa (such as the applicants' previous immigration history) all disadvantage refugee families and new humanitarian arrivals.

### **1. Barriers to family reunion for refugees and people seeking asylum**

1.1. 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 most common theme discussed has been how family separation impedes the ability of people to settle successfully.

1.2. Participants in our annual consultations have highlighted many challenges affecting people in Australia who are seeking to sponsor family members to join them in Australia. Some of these challenges are longstanding issues that we have raised over many years. They include:

- prolonged delays in processing applications, especially for Special Humanitarian Program (SHP) visas
- the restrictive definition of family
- the need for formal documents to substantiate family relationships, which may not be available or exist
- the denial of family reunion opportunities to people who are not formally registered as refugees, and
- the limited availability of affordable migration advice.

1.3. Other challenges have resulted from more recent policy changes, such as the introduction of new restrictions affecting people who arrived in Australia by boat.

1.4. Participants in our annual consultations spoke about a very large price tag attached to family reunion. Even though the SHP is the cheaper available option, people proposing relatives under this program need to pay for airfares, migration agents, legal fees and costs of providing settlement support.

#### **Sydney office:**

Suite 4A6, 410 Elizabeth Street  
Surry Hills NSW 2010 Australia  
Phone: (02) 9211 9333 • Fax: (02) 9211 9288  
admin@refugeecouncil.org.au

Web: [www.refugeecouncil.org.au](http://www.refugeecouncil.org.au) • Twitter: @OzRefugeeCouncil

#### **Melbourne office:**

Level 6, 20 Otter Street  
Collingwood VIC 3066 Australia  
Phone: (03) 9600 3302  
admin@refugeecouncil.org.au

Incorporated in ACT • ABN 87 956 673 083

1.5. 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. The cost associated with the Community Proposal Pilot (CPP) is higher. Proposers are required to pay:

- substantial visa charges totalling \$19,124 for the first applicant and \$2,680 for each additional family member
- a non-refundable fee of \$11,000 to the Approved Processing Organisation
- a separate \$5,000 bond, refundable only when the proposer has completed the designated role in the settlement of the new arrival
- the costs of medical checks for people being processed
- airfares to Australia
- initial accommodation, and
- the costs of household goods, food and utilities.<sup>1</sup>

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.

1.6. These associated costs are very difficult for many people from a refugee background to meet, particularly for those who have come to Australia relatively recently. RCOA knows of many people from a refugee background who have been made destitute or incurred a large debt after sponsoring family members to bring them to safety.

1.7. People can also sponsor wives, children, parents and other relatives through the Family stream of the Migration Program. However, those sponsoring a parent under the non-contributory Parent visa would have to wait 30 years.<sup>2</sup> While the waiting period is considerably shorter under a contributory visa, that would involve a total cost of nearly \$100,00 to bring both parents to Australia. 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.<sup>3</sup>

1.8. In its April 2016 inquiry report on 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 Commission recommended significantly reducing the number of places allocated to this visa and limiting the eligibility criteria to “cases where there are strong compassionate grounds”. 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>4</sup>

1.9. RCOA considers that this largely economic analysis of the benefits and costs of family reunion is deeply flawed. Along with the Federation of Ethnic Communities’ Councils of Australia (FECCA), we disagree with the Commission’s conclusion that the benefits of parent visa holders are largely obtained by the sponsors and visa holders, and not by unrelated members of the Australian community.

1.10. Together with FECCA, we also believe that family migration is integral to successful settlement in Australia and social cohesion. RCOA believes that the cost of family separation for the families involved and the larger community should also be considered in analysis and future planning.

1.11. In particular, RCOA is concerned a predominantly economic analysis will lead to recommendations that disregard the unique circumstances of more vulnerable migrants, such as refugees.

---

<sup>1</sup> Community Proposal Pilot, <https://cpp-apo.net/about/>

<sup>2</sup> Department of Immigration and Border Protection, *Parent category visas*, <https://www.border.gov.au/Trav/Brin/Pare> (accessed 24 October 2016)

<sup>3</sup> Department of Immigration and Border Protection, *Fees and charges for visas*, <https://www.border.gov.au/Trav/Visa/Fees> (accessed 24 October 2016)

<sup>4</sup> Productivity Commission, *Migrant Intake into Australia, Inquiry Report (13 April 2016)* <http://www.pc.gov.au/inquiries/completed/migrant-intake/report/migrant-intake-report.pdf>

## **2. Impact of protracted family separation**

2.1. 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 regularly 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 twice having a visa application refused by Australia.

### Psychological cost

2.2. 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:

*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

2.3. Family separation deprives people of the social and emotional support that is critical to settling successfully in Australia. 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.*

2.4. Another person from the Tamil community pointed out the critical role of families in providing emotional support to assist in recovery from trauma, a role that is difficult for friends and peers in the community to play as many are dealing with similar issues themselves and are unable to provide the necessary level of support.

### Financial cost

2.5. 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.

2.6. 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 could otherwise be injected into the Australian economy. As well, barriers to family reunion significantly contribute to the need for increased mental health services and the costs associated with these services.

### Social cohesion cost

2.7. 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.

### **3. New temporary visa for parents**

3.1. RCOA is concerned that the proposal for the new temporary visa for parents, especially in light of the Productivity Commission's other proposals, signals a further move away from a migration program that recognises the value of family for all Australians, including refugees. We are also concerned about the increasing trend away from offering permanent pathways unless significant fees are charged.

3.2. Current practice for granting temporary visas effectively excludes those with family members in Australia who are from a refugee background. Our understanding is that this is because the Department considers them 'at risk' of seeking asylum once they arrive. This practice is clearly discriminatory, but continues as an attempt to limit the number of asylum claimants onshore. We are concerned that this practice will continue to apply for those who are sponsored through this new temporary family visa. This would mean that those from a refugee background in Australia would be effectively denied a chance to bring their family over on this new temporary visa. We are also concerned that the current proposal considers the immigration history of the applicant as one of the determining factors for the length of the visa. The discussion paper is silent about what would be considered as an adverse immigration history. RCOA believes people must not be excluded because they have fled their countries of origin to seek safety.

3.3. We recommend that policies are developed to ensure that applicants are not denied a visa simply because their family members are former refugees or they have come from countries from which people have fled to seek safety.

3.4. Further, RCOA recommends those who do apply to sponsor their family members who are at risk of persecution should be given first priority. Giving people a pathway to safety, even a temporary family visa such as this, will help ensure they do not have to take dangerous and irregular pathways to find safety.

3.5. We address some of the key questions raised in the discussion paper specifically below:

**This visa will not provide a pathway to permanent residence. Given the estimated lifetime cost to the budget identified in the Migrant Intake to Australia report, are there any circumstances where permanent residence should be available to parents?**

3.6. RCOA believes that parents of refugees and humanitarian arrivals who are on a temporary parent visa and are unable to return to their home countries due to fear of persecution and significant harm should be considered for transition to a permanent parent visa. RCOA strongly opposes the reduction of other permanent parent visas and the increase in the Visa Application Charges (VAC) of already unaffordable visas for parents.

**Australian citizen sponsors will be given higher priority under the new arrangements, as generally they have been contributing to Australia for a greater period of time. Under what circumstances should non-citizen Australian sponsors be given priority?**

3.7. The premise of this question is flawed. It seems to suggest that the key criterion for priority is the contribution of the proposer, rather than the need for family reunion in the first place. Under this model, a person who (for example) is in grave medical need of family support but has only recently arrived would be of a lower priority than a person who, after many years of living apart, decides to bring in their parent.

3.8. In our view, the interests of the Australian community are better focused on giving priority to those in greater need. In many cases, the times of greater need are likely to be during the early years of settlement, rather than in the later years when a person has successfully integrated.

3.9. It is well recognised that refugee families often get separated during displacement. For many families, parents remain in precarious situations, at times without any support. In a recent annual consultation, a refugee from Syria told RCOA about the plight of his elderly mother who remains in Lebanon without any support after his father passed away shortly after the war, his wife and children were resettled in Australia.

3.10. RCOA also believes that it would be unfair to give higher priority to citizens in a context when people from refugee backgrounds are subject to protracted delays in the processing of their citizenship applications, often waiting over one year after applying for.

**What factors need to be considered in setting the level of the Visa Application Charge for the new visa to adequately reflect the extended stay available?**

3.11. Many refugees have to leave their belongings and assets behind when they flee in search of safety. The current costs of SHP, CPP and Family stream of the Migration Program are often prohibitive. Many people shared with RCOA that they believe the current policies prioritise the applications from people with financial means. RCOA believes that in setting the level of the VAC for the new visa, the financial situation of applicants should be considered. RCOA recommends that people who are unable to pay the cost of this visa be offered concession rates or waivers.

3.12. In response to many other specific questions raised in the discussion paper in relation to the conditions of the visa, applicants, sponsors and other cost-related matters, RCOA endorses the specific feedback set out in FECCA's submission.

#### **4. A better way forward**

If the Government is indeed interested in addressing the significant issue of family reunion, we recommend the adoption of a number of other policies to improve family reunion. RCOA has developed those recommendations 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 refugee community members.

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.