



Refugee Council
of Australia



A NEW OPPORTUNITY FOR GLOBAL LEADERSHIP

**Options for Australia's Refugee and
Humanitarian Program in 2019-20**

March 2019

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Cover photo:

Najeeba Wazefadost of the Australian National Committee on Refugee Women (ANCORW) speaks at the Global Summit of Refugees, Geneva in June 2018. The Global Summit of Refugees was the first time refugee leaders from around the world came together to discuss how to ensure refugees have a voice on the global decisions that affect their communities. Najeeba was one of the co-convenors of the Summit, working with representatives of seven other refugee-led networks, Refugee Council of Australia and Independent Diplomat to organise the event. Photo: Riccardo Pareggiani.

1 EXECUTIVE SUMMARY

The need for Australia to provide international leadership on durable solutions for refugees has never been greater. More people are forcibly displaced than at any point since the end of World War II and the number of refugees and people seeking asylum – 28 million – is greater than at any point since records began. In 2017, available refugee resettlement places declined by 46% on the previous year and UNHCR's statistics for resettlement through its processes suggest that it declined further in 2018.

The United States, which previously resettled more refugees than all other countries combined, has vacated its position of leadership on resettlement and was one of just two UN member states to vote against the adoption of the Global Compact on Refugees in December 2018. A new form of international leadership is required, led by an alliance of countries which oppose persecution and care about finding durable solutions for refugees. We believe that Australia can become part of that leadership, if the Government chooses to step up to the challenge.

The first Global Refugee Forum in December 2019 provides an opportunity for Australia to demonstrate whether or not it is seriously interested in being a global leader. As we outline in this submission, Australia should use that Forum to make serious pledges about additional resettlement of refugees, increased funding support for responses to major refugee crises and a review of national refugee policies in the light of the commitments made when signing the 2016 New York Declaration on Refugees and Migrants. We believe that this can be linked to a whole-of-society National Program of Action, which could be a shared vision of different levels of government, refugee communities, civil society organisations, the private sector and others.

Australia's recent successes in refugee resettlement, including the recent temporary expansion of the program to welcome additional refugees from Iraq and Syria, show that our nation can do more. We believe that the 2016-17 program of 21,968 places should provide a base level from which the Refugee and Humanitarian Program can grow to 30,000 places annually, supplemented by planned emergency quotas, an additional community sponsorship program, new options for refugee family reunion and complementary migration pathways to create opportunities for refugees with skills.

Even a significantly expanded global resettlement program will leave many of the world's refugees without access to a durable solution. As a nation with some regional and global influence, Australia can do more through diplomacy and humanitarian aid to support efforts to find practical answers for refugees who will never benefit from resettlement. Eight years ago, we proposed the appointment of an Ambassador for Refugee Protection. The time is right for such an appointment, to lead our national diplomatic efforts, exploring how constructive Australian cooperation can improve conditions for refugees in protracted situations in our region and how efforts to build peace can be explored in different contexts where medium-term safe return of refugees could be a viable option.

Of course, Australia's credibility to advocate for improved protection of refugees will be undermined unless our nation is prepared to review some of its own current policies. To this end, we propose the ending of policies which punish people seeking Australia's protection and an end to the temporary protection system.

Millions of Australia believe that change is overdue, that we collectively must make clear to the world that Australians do care about fellow human beings facing persecution. Among those with the greatest interest in seeing change are some of the many Australians who know from personal experience what it is like to be forcibly displaced. Australia's refugee communities are playing a critical role in the growing global movement of refugee-led advocacy and are ready to be strategically important allies for the Australian Government if it is prepared to play a greater role in international leadership on refugee protection. The Refugee Council of Australia and our network of supporters are ready too. We would welcome the opportunity to engage the Australian Government in exploring how to implement recommendations put forward in this submission.

2 LIST OF RECOMMENDATIONS

Recommendation 1: Develop a comprehensive strategy for responding to major displacement crises

The Australian Government should convene a multi-stakeholder (cross-portfolio, plus civil society and refugee community leaders) to develop a comprehensive strategy to respond to major displacement crises that includes financial contributions to humanitarian responses, increased financial support to UNHCR, the use of diplomatic measures to address root causes of displacement, increased and strategic resettlement, and the enabling of community responses to displacement.

Recommendation 2: Increase in UNHCR funding

The Australian Government should significantly increase its unearmarked funding to UNHCR for global operations, allowing UNHCR to respond flexibly to changing displacement situations.

Recommendation 3: Appointment of an Ambassador for Refugee Protection

The Australian Government should appoint an Ambassador for Refugee Protection, to lead high-level advocacy on seeking durable solutions for refugees in the Asia-Pacific region and internationally.

Recommendation 4: Australian Government pledge at Global Refugee Forum

The Australian Government should make a significant new pledge at the December Global Refugee Forum to signal our leadership and commitment to greater responsibility-sharing. This pledge should include an increase in both resettlement places and funding support for responses to major refugee crises, as well as a commitment to review Australian refugee policies in the light of commitments made in the 2016 New York Declaration.

Recommendation 5: Australian Government to sign the Global Compact on Migration

The Australian Government should reverse its decision not to support the Global Compact for Safe, Orderly and Regular Migration and commit itself to working with other UN member states to improve the protection and safety of migrants most at risk.

Recommendation 6: Develop a whole-of society National Program of Action

Based on the commitments made in signing the 2016 New York Declaration, the Australian Government should work with refugee and local communities, civil society organisations, State and local governments, the private sector, media and other stakeholders to develop a whole-of-society National Program of Action.

Recommendation 7: That Australia's Refugee Resettlement Program take stronger consideration of global resettlement needs

The composition of the offshore refugee program should reflect the priorities identified in UNHCR's Global Resettlement Needs report, including an increase in the proportion of visas for resettlement places from Africa, reflecting that 44% of projected resettlement needs in 2019 are from this region.

Recommendation 8: Expand the Humanitarian Program in light of needs

The Department of Home Affairs should, in light of escalating global protection needs, consider expanding the Humanitarian Program to 30,000 places annually.

If this recommendation is not adopted, the Humanitarian Program should, at least, return to the 2016-17 level (21,968), including those resettled as part of the Syrian/Iraqi cohort.

Recommendation 9: Establish a contingency quota for emergency responses

The Australian Government should establish an Emergency Response contingency quota over and above the annual Humanitarian Program intake to provide additional capacity to respond to urgent

protection needs during emergency situations, such as the current crisis in Syria, the escalating violence for Rohingya people, and the continued conflict in South Sudan.

Recommendation 10: Ensure that the Refugee visa sub-class is reserved for cases referred by UNHCR

The Department of Home Affairs should ensure that it is resettling the most vulnerable refugees. At least two-thirds of the Humanitarian Program should be set aside for Refugee Program visas (subclasses 200, 203 and 204). These subclasses should be reserved for those who have been referred by UNHCR.

Recommendation 11: Ensure that Australia's Humanitarian Program remains non-discriminatory

The Department of Home Affairs should ensure that the Humanitarian Program remains non-discriminatory, by selecting refugees and humanitarian entrants based on need, rather than their religion, nationality, skills, English language ability or any other attribute.

Recommendation 12: More even distribution of Refugee and Humanitarian arrivals

The Department should ensure that arrivals through the Refugee and Humanitarian Program are distributed more evenly across the year.

Recommendation 13: Introduce a program to protect children at risk

The Department of Home Affairs should, in consultation with key stakeholders, increase its resettlement capacity for children and adolescents at risk by establishing a Children at Risk program. The program could use Australia's existing systems to receive and support children and adolescents at risk.

Recommendation 14: Replace the Community Support Program with a better community sponsorship model of 10,000 places

The Australian Government should replace the Community Support Program with a better model for community sponsorship for up to 10,000 places outside of the Humanitarian Program that focuses on four key principles:

- a) the principle of additionality;
- b) priority based on need, not skills or nationality;
- c) guaranteed access to settlement services;
- d) wide community engagement.

For a detailed proposal for a better community sponsorship model see the Community Refugee Sponsorship Initiative.¹

Recommendation 15: Complementary migration pathways

In conjunction with refugee community members, industry advisors, and service delivery organisations, the Australian Government should develop a suite of complementary migration pathways for people to receive protection, including through skilled migration and educational pathways. These complementary pathways must be in addition to and not in place of the Humanitarian Program. This should include:

- a) Introducing flexible arrangements for people without required documentation of their identity, qualification, skills and employment history;
- b) Providing more support for refugees to apply through the Skilled Migration Stream;
- c) Providing concessions to employers and refugees wishing to apply through the Skilled Migration Stream;

¹ Community Refugee Sponsorship Initiative, *A Better Way: A New Model for Community Sponsorship of Refugees in Australia* (March 2018) <http://www.ausrefugeesponsorship.com.au/wp-content/uploads/2018/03/Final-Joint-Policy-Brief-Short-March-2018.pdf>.

- d) *Providing settlement support to refugees and their family arriving through the Migration Program, on a needs basis.*

Recommendation 16: Develop a humanitarian family reunion program

The Australian Government should develop a separate Humanitarian Family Reunion Program of 10,000 places, outside of the Humanitarian Program. This should be developed in consultation with former refugee community members and organisations, peak bodies and relevant service providers.

Recommendation 17: Enhance access to family reunion

In the absence of a separate Humanitarian Family Reunion Program, the Australian Government should enhance refugee and humanitarian entrants' access to family reunion by:

- a) *waiving application fees or at least introducing application fee concessions for refugee and humanitarian entrants sponsoring family members under the family stream of the Migration Program;*
- b) *expanding the availability of no-interest loans to assist proposers in meeting the costs of airfares and/or application fees;*
- c) *introducing greater flexibility in documentation and evidence requirements under both the Humanitarian Program and the family stream of the Migration Program;*
- d) *reviewing eligibility requirements under the family stream of the Migration Program which effectively exclude applicants from refugee backgrounds;*
- e) *prioritising processing of family members at immediate risk; and*
- f) *ensuring access to settlement services on arrival and exempting family from the Newly Arrived Resident's Waiting Period.*

The Australian Government should consult with stakeholders to develop a process for assessing eligibility for concessions. There should be consultation with refugee communities, practitioners involved in providing support with family reunion applications and other relevant stakeholders to develop a process for assessing eligibility for the concessions referred to above.

Recommendation 18: Remove restrictions on family reunion for those who come by boat

The Australian Government should immediately remove current restrictions on access to family reunion opportunities for Protection Visa holders who arrived by boat (including changes to processing priorities).

If the above recommendation is not implemented, people whose applications have been affected by the introduction of retrospective changes to processing priorities should be given the opportunity to withdraw their applications and receive a full refund of application fees.

Recommendation 19: Restore funding for migration advice

The Australian Government should restore funding for professional migration advice services to support refugee and humanitarian entrants in lodging family reunion applications.

Recommendation 20: Identify families in need of reunification

The Australian Government should enter into dialogue with UNHCR about establishing a process for identifying refugee families that are seeking reunification, facilitating assessment and registration in countries of asylum and prioritising them for referral for resettlement under Australia's offshore program.

Recommendation 21: Separate the onshore and offshore components

The Department of Home Affairs should de-link the onshore component of the Humanitarian Program from the offshore component. Visas granted to onshore asylum seekers should not take places away from the offshore component. There should be no cap on the number of onshore refugee visas granted.

Recommendation 22: Abolish temporary protection visas

The Australian Government should abolish Temporary Protection Visas and grant permanent visas to all people who currently hold Temporary Protection, Temporary Humanitarian Concern or Temporary Safe Haven visas.

If this recommendation is not implemented:

- a) All temporary protection visa holders be granted access to settlement services on the same basis as permanent refugee and humanitarian visa holders;
- b) Transitional support provided under the Status Resolution Support Services program following the grant of a Temporary Protection Visa should be extended to at least six weeks, with extensions available on a needs basis;
- c) Overseas travel restrictions should be lifted;
- d) Family reunion options should be considered;
- e) The Department of Home Affairs should develop a comprehensive communications strategy to explain the implications of temporary protection visas to both visa holders and service providers;
- f) The Australian Government should consider options for designating certain industries in any location as fulfilling the eligibility criteria for the Safe Haven Enterprise Visa.

Recommendation 23: Change the policy barring renewals of temporary protection visas

The Australian Government should abolish the policy barring renewals of temporary protection visas because a person has not applied in time.

Recommendation 24: End the punishment of people seeking asylum

The Australian Government should end the punishment of people seeking asylum, which creates real risks of breaching our international protection obligations. These policies include offshore processing, boat turnbacks, indefinite detention, changes to the definition of refugee and internal relocation, the weakening of our refugee status determination processes, and removals of people before it is clear whether they are owed international protection.

Recommendation 25: Develop a strategic framework for resettlement

The Australian Government should develop, publish and implement a framework for Australia's refugee resettlement program based on:

- a) priority resettlement to the most vulnerable refugees, including women at risk, children at risk, culturally isolated groups of refugees (e.g. small groups of African refugees in South and South-East Asia), LGBTQI refugees and other minorities at risk;
- b) the promotion of family unity;
- c) the strategic use of resettlement; and
- d) the consideration of global resettlement needs in the development of regional allocations.

3 INTRODUCTION

The Refugee Council of Australia (RCOA) welcomes the opportunity to provide its views on Australia's Humanitarian Program in 2019-20. Our submission brings together views collected throughout the past 12 months through refugee community and refugee service provider consultations conducted in each state, as well as through regular teleconferences with RCOA members and numerous engagements with refugee community organisations and advocacy groups.

This year's submission builds on work that RCOA has been doing for many years to engage people in Australia, particularly those who have a direct connection with the Refugee and Humanitarian Program, in contributing to national thinking about how Australia can most effectively support people who have been forcibly displaced. Our first formal consultation with the Australian Government on directions for the Refugee and Humanitarian Program took place in 1984 and we have been putting forward detailed submissions to the Government each year since 1987.

We have noted a clear decline over the past five years in the level of Australian Government interest in serious engagement with the community on issues related to the refugee program. In years past, RCOA, as the national peak body, was engaged by the Government to conduct consultations around Australia and to prepare a submission outlining community views. This cooperation was unilaterally abandoned by the then Department of Immigration and Border Protection most of the way through the consultation process for the 2016-17 Refugee and Humanitarian Program. We continued regardless and have maintained our commitment since then to a detailed community consultation process and to sharing community views in an annual submission.

This year, the period of notice for submissions on the Refugee and Humanitarian Program was shorter than ever before – just 11 days between the circulation of the Department of Home Affairs' discussion paper and the closing date for submissions. This does not inspire community confidence in the Government's commitment to serious consultation. It is at odds with the Government's stated aim, as expressed in the Open Government Partnership, of enhancing civic participation in government decision-making. However, despite our misgivings about the consultation process, we are putting forward a submission within the timeframe determined by the Government, to keep faith with those we have consulted.

This submission is structured around the Government's stated aims for the Humanitarian Program, as outlined in the Department's discussion paper:

- Providing permanent resettlement to those most in need;
- Being flexible and responsive to changing global resettlement needs and emerging humanitarian situations to ensure Australia's approach remains comprehensive and high-quality;
- Reuniting refugees and people who are in refugee-like situations overseas with their family in Australia;
- Meeting Australia's international protection obligations; and
- Using resettlement strategically to help stabilise refugee populations, reduce the prospect of irregular movement from source countries and countries of first asylum, and support broader international protection.

4 RESETTLING THOSE MOST IN NEED

4.1 THE GLOBAL PICTURE

The number of people forcibly displaced by persecution, conflict, violence and human rights violations continues to grow, increasing by 2.9 million people from the previous year. According to the latest statistics from UNHCR, the population of forcibly displaced people has more than doubled

over the past two decades, from 33.9 million in 1997 to 68.5 million at the end of 2017.² Of the 68.5 million displaced people, 25.4 million were refugees and 3.1 million people were seeking asylum. Most of them (40 million) were internally displaced.

Table 1: Forcibly displaced people, 2017

Forcibly displaced people	Number displaced
Refugees	25.4 million
Refugees under UNHCR's mandate	19.9 million
Palestinian refugees under UNRWA's mandate	5.4 million
Asylum seekers	3.1 million
Internally displaced people	40.0 million
Total	68.5 million

Of the 16.2 million people newly displaced in 2017, 4.4 million were refugees or new asylum seekers. On average, 44,400 people per day fled their homes due to conflict and persecution. 45,500 unaccompanied or separated children sought asylum in 2017. UNHCR now conservatively estimates that there are 173,800 unaccompanied or separated children worldwide. Low-income and middle-income countries continue and increasingly host most of the world's refugees, hosting 85% of refugees in 2017 compared to 70% a decade ago.

Over two thirds (68%) of the world's UNHCR-mandated refugees came from just five countries: Syria, Afghanistan, South Sudan, Myanmar and Somalia. More than half of those displaced were children. With the exception of Germany (ranked sixth), all the main host countries of refugees are low-income and middle-income countries in the Middle East, South Asia and East Africa.

Table 2: Top ten countries of origin and asylum, 2017

Rank	Country of origin	Total	Rank	Country of asylum	Total
1	Syria	6.3 million	1	Turkey	3.5 million
2	Afghanistan	2.6 million	2	Pakistan	1.4 million
3	South Sudan	2.4 million	3	Uganda	1.4 million
4	Burma (Myanmar)	1.2 million	4	Lebanon	998,900
5	Somalia	986,400	5	Islamic Rep. of Iran	979,400
6	Sudan	694,500	6	Germany	970,400
7	Dem. Rep. of Congo	620,800	7	Bangladesh	932,200
8	Central African Rep.	545,500	8	Sudan	906,600
9	Eritrea	486,200	9	Ethiopia	889,400
10	Burundi	439,300	10	Jordan	691,000

4.2 MAJOR CRISES

While millions of refugees are in protracted crises, recent major crises in the Middle East, Africa, Asia and Central and South America have pushed the numbers of forcibly displaced people to the highest level since the end of World War II. Alongside significant new displacement from the Democratic Republic of the Congo, Myanmar and Syria, major displacement situations from Burundi, Central African Republic, Iraq, South Sudan, Sudan, Ukraine, and Yemen continue to require international attention and support.

In thinking how the Australian Government can contribute constructively to addressing these major displacement crises, the Refugee Council of Australia recommends a combination of:

- Increased financial support to support humanitarian responses in major host countries, including greater financial support to UNHCR;

² United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2017* (June 2018) <http://www.unhcr.org/globaltrends2017/>. All statistics in this section are from this publication, unless otherwise stated. Figures for 2018 will be released in June 2019.

- Greater use of diplomatic measures to influence countries of origin that address root causes of displacement, including through the Australian Government's position on the UN Human Rights Council;
- Increasing the size of the Refugee and Humanitarian Program and ensuring resettlement places strategically support UNHCR to manage displacement crises;
- Exploring ways to more effectively enable communities in Australia with links to displacement crises to contribute to solutions, including through expanding accessible pathways to family reunion, developing a more effective and affordable community sponsorship program, and working with refugee diaspora communities in Australia to reduce costs to sending remittances and to provide humanitarian support.

As in previous years, we call on the Australian Government to develop an integrated cross-portfolio approach to addressing issues of forced displacement. This must recognise the fundamentally global nature of the issue.

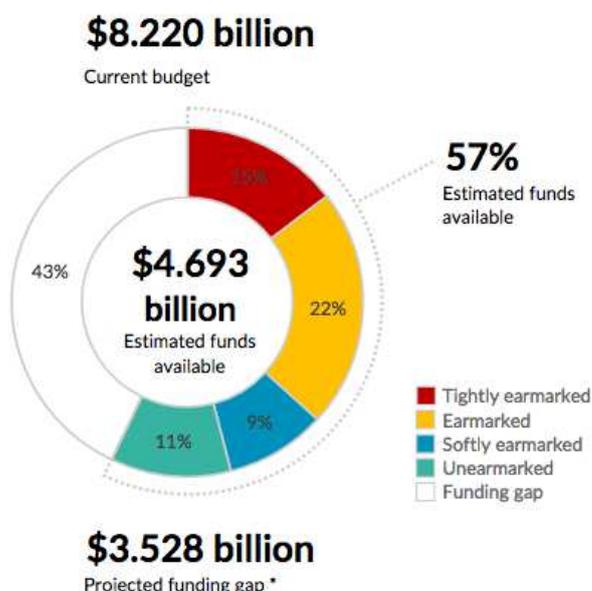
Recommendation 1: Develop a comprehensive strategy for responding to major displacement crises

The Australian Government should convene a multi-stakeholder (cross-portfolio, plus civil society and refugee community leaders) to develop a comprehensive strategy to respond to major displacement crises that includes financial contributions to humanitarian responses, increased financial support to UNHCR, the use of diplomatic measures to address root causes of displacement, increased and strategic resettlement, and the enabling of community responses to displacement.

4.3 A CRISIS IN UNHCR FUNDING

Despite the record needs of refugees around the world, major gaps in UNHCR's budget have been consistently growing. In 2018, UNHCR's global budget was estimated at US\$8.220 billion, of which it had received only 57% through donations by the end of 2018. This meant a budget gap of US\$3.528 billion (see Figure 1).³

Figure 1: UNHCR funding



As the UN agency mandated to ensure international responses to forced displacement are coordinated, this chasm between identified needs and capacity to meet needs has considerable and devastating implications. Where UNHCR has been managing refugee camps and refugee status

³ UNHCR Funding Update 2018 <http://reporting.unhcr.org/sites/default/files/Global%20Funding%20Overview%2031%20December%202018.pdf> (as at 31 December 2018).

determination processes in some countries, it has been required to dramatically reduce supports. This has had a significant impact on refugees and people seeking asylum.

This was seen, for example, in the violence that took place in Kiziba Refugee Camp in Rwanda in February 2018, where refugees demonstrating peacefully about not having enough food to eat were met with extreme violence. Congolese-Australian community members, particularly those who had themselves been resettled from Kiziba Refugee Camp, were deeply affected.⁴ In Indonesia, support from UNHCR for refugees stuck in limbo has continued to be reduced, with the UNHCR field office communicating to people seeking asylum that they will no longer be providing refugee status determination, with minimal staff capacity and few solutions available to refugees anyway.⁵

In the absence of a coordinated and adequate international response to displacement crises, refugees and people seeking asylum will continue to be forced to find their own solutions, including moving further from home in the search of effective protection, facing significant danger and at risk of myriad forms of exploitation and abuse.

Recommendation 2: Increase in UNHCR funding

The Australian Government should significantly increase its unearmarked funding to UNHCR for global operations, allowing UNHCR to respond flexibly to changing displacement situations.

4.4 DURABLE SOLUTIONS

4.4.1 Traditional answers remain elusive

Securing durable solutions for refugees remains an ongoing challenge.⁶ The number of refugees returning home increased slightly, from 552,200 in 2016 to 667,400 in 2017. The greatest numbers returned to Nigeria, Central African Republic and Syria. However, UNHCR reports that “the contexts in which such returns took place in 2017 were often complex, with many refugees returning under adverse circumstances to situations in which sustainable reintegration could not be assured”.

There was a reversal in 2017 in what had been a trend of increasing global resettlement opportunities. This was largely due to the significant reduction in the US Government’s resettlement program. While 1.2 million refugees were identified by UNHCR as in priority need of resettlement in 2017, only 102,755 refugees were resettled, a 46% drop compared with 2016, leaving a 91% gap between needs and actual resettlement places for the year.

In terms of local integration of refugees in host countries (i.e. naturalisation), there was a considerable increase from 23,000 people in 2016 to 73,400 in 2017. The main reason for this rise was that Turkey reportedly naturalised 50,000 Syrians in 2017.

4.4.2 Options for building momentum in Australia’s neighbourhood

Closer to home, the lack of durable solutions for refugees in South East Asia and South Asia remains a significant policy challenge. Across Asia, most refugees live precarious lives as urban refugees, often without any formal status and or the right to work legally. This leaves them at great risk of labour exploitation, violence and, in a number of countries, at constant risk of arrest and detention. Sadly, Australia has offered them little hope, restricting access to resettlement, threatening to turn back or detain any refugees who venture towards Australia and, by example, promoting interception and detention as government responses to people seeking protection from persecution.

⁴ Refugee Council of Australia, Urgent need for international action after fresh attacks on refugees in Rwanda, 3 May 2018 <https://www.refugeecouncil.org.au/kiziba-attacks-update/>

⁵ Refugee Council of Australia, *After the boats have stopped: Refugees stranded in Indonesia and Australia’s containment policies* (14 November 2018) <https://www.refugeecouncil.org.au/after-the-boats-have-stopped/>

⁶ All statistics in this section taken from United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2017* (June 2018) <http://www.unhcr.org/globaltrends2017/>, 28-30.

RCOA has long argued that the promotion of improved protection of refugees in the places where they first seek assistance should be central to Australian foreign policy in Asia. As diplomatic relationships in the region are undermined by the Australia's political obsession with trying to contain the movement of refugees, working constructively and in partnership to better address refugee needs is clearly a more effective, intelligent and humane response.

While durable solutions are elusive in South East Asia, there are some medium-term possibilities. An Australian-led diplomatic strategy on refugee protection could, for instance, focus on encouraging members of the new coalition government in Malaysia to explore implementing pre-election commitments to offer refugees some form of legal status and the right to work, supporting local efforts in Thailand to develop alternatives to detention and opening a dialogue with Myanmar and its neighbours about the role peacebuilding in ethnic minority states in eastern Myanmar could play in encouraging the return of refugees from Thailand and Malaysia. In each country, there are refugee leaders and national civil society organisations ready to engage with interested governments on constructive alternatives to current policies. RCOA and Asia Pacific Refugees Rights Network are two networks, among many, ready to engage in this dialogue.

While the strategic use of refugee resettlement to Australia would be important, much of the work which could be done involves diplomacy and humanitarian aid. To this end, the Department of Foreign Affairs and Trade must play a more central role in regional discussions about refugee issues. In 2011, RCOA proposed that the Government appoint an Ambassador for Refugee Protection to lead diplomatic advocacy in the Asia-Pacific region and internationally. We believe that such an appointment could play an important role in building the momentum for change.

Recommendation 3: Appointment of an Ambassador for Refugee Protection

The Australian Government should appoint an Ambassador for Refugee Protection, to lead high-level advocacy on seeking durable solutions for refugees in the Asia-Pacific region and internationally.

4.5 GLOBAL COMPACTS AND GLOBAL REFUGEE FORUM

International dialogue and cooperation on refugee protection continues to be propelled by the growing numbers of people forcibly displaced worldwide, the lack of realisation of durable solutions, the crisis in funding, and the emergence of new crises. One of the more significant outcomes of the UN General Assembly's Summit for Refugees and Migrants in 2016 was the signing of the New York Declaration on Refugees and Migrants,⁷ a commitment made by 193-member states (including Australia) to work together to develop two global compacts on refugees and migrants.

In 2018, both the Global Compact on Refugees (GCR) and a Global Compact for Safe, Orderly and Regular Migration (GCM) were signed by the vast majority of UN member states. The GCR was adopted by 181 countries at the UN General Assembly in December 2018, with three countries abstaining (Eritrea, Dominican Republic and Libya), and two voting against it (Hungary and the United States). The GCM was formally adopted at a special summit in Morocco in December 2018. 152 countries voted for its adoption, 12 countries abstained from the vote (Algeria, Australia, Austria, Bulgaria, Chile, Italy, Latvia, Libya, Liechtenstein, Romania, Singapore, Switzerland), and five countries voted against it (Czech Republic, Hungary, Israel, Poland, United States). Australia's failure to support the GCM was unjustified and unfortunate, given the pressing need to encourage nations around the world to work together to improve the safety of vulnerable migrants.

Both compacts are aimed at creating more equitable and predictable responses to refugees and migrants in the future, including in large-scale refugee displacement situations. An outcome of the GCR, for example, has been the creation of a new Global Refugee Forum, the objective of which is to focus international attention on displacement crises.⁸ The first Global Refugee Forum will take place in December 2019, with UNHCR describing it as an "opportunity for UN Member States and

⁷ New York Declaration for Refugees and Migrants (19 September 2016) http://www.un.org/ga/search/view_doc.asp?symbol=A/71/L.1.

⁸ UNHCR, Global Refugee Forum <https://www.unhcr.org/global-refugee-forum.html>

other stakeholders to announce concrete contributions and pledges towards the objectives of the Global Compact to achieve tangible benefits for refugees and host communities.”

As part of its commitment to the Global Compact on Refugees, Australia could commit to developing its own national program of action, to implement the principles outlined in the Compact and the New York Declaration. The development of a national program of action would provide an excellent opportunity for the Australian Government to work with other tiers of government, refugee communities, civil society organisations, business and others in reviewing and renewing national refugee policy.

Recommendation 4: Australian Government pledge at Global Refugee Forum

The Australian Government should make a significant new pledge at the December Global Refugee Forum to signal our leadership and commitment to greater responsibility-sharing. This pledge should include an increase in both resettlement places and funding support for responses to major refugee crises, as well as a commitment to review Australian refugee policies in the light of commitments made in the 2016 New York Declaration.

Recommendation 5: Australian Government to sign the Global Compact on Migration

The Australian Government should reverse its decision not to support the Global Compact for Safe, Orderly and Regular Migration and commit itself to working with other UN member states to improve the protection and safety of migrants most at risk.

Recommendation 6: Develop a whole-of society National Program of Action

Based on the commitments made in signing the 2016 New York Declaration, the Australian Government should work with refugee and local communities, civil society organisations, State and local governments, the private sector, media and other stakeholders to develop a whole-of-society National Program of Action.

5 FLEXIBLE AND RESPONSIVE TO CHANGING NEEDS

5.1 THE DESPERATE NEED FOR MORE RESETTLEMENT PLACES

5.1.1 UNHCR urges states to reverse the decline in resettlement

The sharp decrease in the number of resettlement places at the time of greatest need and protecting the core function of resettlement as a protection tool were two of the key themes discussed when representatives of UNHCR, governments and NGOs from resettlement states and other inter-governmental bodies gathered in Geneva for the 2018 Annual Tripartite Consultations on Resettlement (ATCR).⁹

While in 2016 the number of countries engaged in refugee resettlement and the number of resettlement places increased, in 2017 there was a 46% drop in the number of available resettlement places. This, combined with an increase in the number of people in need of resettlement and their heightened vulnerability, presented one of the biggest challenges UNHCR has ever faced.

UNHCR raised concerns about the growing trend among many resettlement countries to favour refugees with particular profiles for resettlement. This places less emphasis on protecting the most vulnerable and deviates from resettlement’s core function: saving lives.

At the 2018 ATCR, UNHCR asked resettlement countries to make collective efforts to ensure there is more diversity in the countries of origin of refugees resettled. The Syrian conflict created a significant level of displacement and the recent resettlement statistics have reflected a global effort to provide protection to people fleeing this crisis. However, UNHCR pleaded with the countries not

⁹ This is set out in full in Refugee Council of Australia, *Report of 2018 Annual Tripartite Consultations on Resettlement* (July 2018) https://www.refugeecouncil.org.au/wp-content/uploads/2018/12/ATCR_2018.pdf.

to forget refugees of other nationalities, particularly from smaller groups with no durable solutions. The projected resettlement needs of refugees on the African continent has increased substantially in the past year and yet the response has been disproportionate to the need. The table below (Table 3) sets out the number of resettlement arrivals of refugees in 2017 by country of arrival. It includes arrivals both with and without UNHCR assistance.¹⁰

Table 3: Resettlement arrivals of refugees, 2017

Country of arrival	Arrivals	Country of arrival	Arrivals
United States of America	102,755	Luxembourg	182
Canada	26,600	Chile	66
Australia	15,115	Lithuania	59
United Kingdom	6,212	Iceland	48
Sweden	3,412	Romania	43
Germany	3,015	Portugal	41
Norway	2,821	Croatia	40
France	2,525	Latvia	40
Netherlands	2,265	South Korea	30
Belgium	1,309	Japan	29
Finland	1,088	Estonia	19
Spain	1,071	Malta	17
New Zealand	1,015	Uruguay	16
Italy	985	Denmark	5
Switzerland	663	Brazil	2
Austria	381	Total	102,755
Ireland	273		

At a time when the durable solution of refugee resettlement is more needed than ever before, we are seeing a significant decline in the number of resettlement places available. Table 4 compares the numbers of refugees resettled over the six years to December 2017 with the number of refugees under UNHCR's mandate and UNHCR's estimate of resettlement needs for each year. In 2017, just 0.5% of the refugees under UNHCR's mandate were resettled. Total resettlement was just 8.9% of the figure of 1.19 million refugees identified as being in urgent need of resettlement in UNHCR's Global Resettlement Needs document for 2017. This marks a significant drop on the number of resettlement departures in 2016. Data on the UNHCR Resettlement Data portal¹¹, which looks only at resettlement through UNHCR referral, suggests total resettlement declined further in 2018.

Table 4: Availability of resettlement places compared to resettlement need¹²

	2012	2013	2014	2015	2016	2017
Refugees under UNHCR's mandate at year end	10,500,241	11,703,179	14,380,094	16,121,427	17,187,500	19,941,347
Identified in UNHCR's global resettlement needs for that year	781,299	859,305	690,915	958,429	1,153,296	1,190,519
Resettled under UNHCR and other programs	88,578	98,426	105,197	107,051	189,291	102,755
Resettlement as proportion of total refugee population	0.8%	0.8%	0.7%	0.6%	1.1%	0.5%
Resettlement as proportion of identified resettlement need	11.3%	11.5%	15.2%	11.2%	16.4%	8.9%

¹⁰ Taken from United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2017* (June 2018), Annexes, Table 23.

¹¹ The UNHCR Resettlement Data portal is at <https://www.unhcr.org/resettlement-data.html>

¹² Source: UNHCR Global Trends series, UNHCR Projected Global Resettlement Needs series

In the past two years, there has been a significant decline globally in the proportion of refugee resettlement happening through UNHCR referral. Table 5 examines the statistics for resettlement through UNHCR referral only. A comparison of the resettlement figures in Tables 4 and 5 shows UNHCR-referred resettlement was 76.5% of all resettlement in 2015 but this declined to 66.7% in 2016 and just 63.4% in 2017. With the significant drop in total resettlement, the number of places available for UNHCR-referred refugees halved in 2017. As a result, UNHCR has had to cut the number of resettlement submissions by more than half, from 162,575 in 2016 to 75,188 in 2017. The figures in Table 5 also clearly illustrate that tens of thousands of refugees referred by UNHCR to resettlement countries over the past several years have still yet to find a durable solution

Table 5: Summary of resettlement statistics (through UNHCR referral only) ¹³

	2012	2013	2014	2015	2016	2017
UNHCR resettlement submissions¹⁴	74,840	92,915	103,890	134,044	162,575	75,188
Resettlement departures	69,252	71,449	73,608	81,893	126,291	65,109
Countries of asylum	86	81	83	89	77	85
Countries of origin	68	97	92	63	63	61
Countries of resettlement	26	25	31	30	37	34

UNHCR refers refugees for resettlement from many different countries because of the lack of access to effective and long-term integration in the countries where refugees are first recognised. Table 5 shows that the number of countries from which refugees have been resettled has exceeded 80 in most of the past six years.

The table below (Table 6) lists the countries with the largest resettlement programs in 2017, and the countries from which most resettled refugees come. In 2017, the largest resettlement programs were from Turkey, Lebanon, Jordan, Nepal and Kenya. The main beneficiaries were refugees from Syria, the Democratic Republic of Congo, Burma (Myanmar) and Bhutan. As in previous years, the key resettlement states for UNHCR referrals were the US, Canada, the United Kingdom and Australia, with the UK UNHCR-referred program now larger than Australia's.

Table 6: Top 10 UNHCR-referred resettlement departures in 2017 ¹⁵

Rank	Country of origin	Persons	Country of asylum	Persons	Country of resettlement	Persons
1	Syria	29,789	Turkey	14,911	US	24,559
2	DR Congo	7,733	Lebanon	12,617	Canada	8,912
3	Burma (Myanmar)	4,791	Jordan	4,995	UK	6,202
4	Bhutan	3,953	Nepal	4,287	Australia	4,027
5	Iraq	3,414	Kenya	4,141	Sweden	3,346
6	Eritrea	3,195	Thailand	2,655	Germany	3,005
7	Somalia	3,119	Malaysia	2,631	Norway	2,799
8	Afghanistan	2,053	Ethiopia	2,115	France	2,505
9	Sudan	1,228	Egypt	1,932	Netherlands	2,262
10	Ethiopia	1,054	Uganda	1,905	Belgium	1,294
	All others	4,774	All others	12,290	All others	6,198
Total		65,109		65,109		65,109

¹³ Source: UNHCR Projected Global Resettlement Needs series; Global Trends series (for resettlement departures by countries of asylum and origin)

¹⁴ The number of resettlement submissions from UNHCR to states, and the number of refugees departed reflect the number of persons involved rather than cases or families.

¹⁵ Source: UNHCR's Projected Global Resettlement Needs 2019, p. 72.

5.1.2 Global resettlement needs in 2019

In its *Projected Global Resettlement Needs* report for 2019, UNHCR estimates that 1.43 million refugees need to be resettled – a 19% increase on the previous year and the largest number of people UNHCR has ever identified as being in urgent need of resettlement. The resettlement needs in Africa increased by 23% with most of the increase being in nations in the East and Horn of Africa sub-region (particularly Uganda, Ethiopia and Chad). The resettlement need from Turkey grew by 40% to 420,000.

The table below (Table 7) sets out the projected resettlement needs for 2019 by region or sub-region of asylum. Of those identified as being in need of resettlement in 2019, 42.1% are Syrians, 11.4% are from the Democratic Republic of Congo and 11.1% are from South Sudan.

Table 7: UNHCR projected global resettlement needs, 2019¹⁶

Region or sub-region of asylum	Total 2019 projected resettlement needs (persons)	
Central Africa and Great Lakes	147,084	10.3%
East and Horn of Africa	434,710	30.4%
Southern Africa	32,978	2.3%
West Africa	14,972	1.0%
Africa total	629,744	44.0%
Americas total	4,074	0.3%
East Asia and the Pacific	12,806	0.9%
South Asia	2,340	0.2%
Southwest Asia	87,000	6.1%
Asia total	102,146	7.2%
Eastern Europe	750	0.1%
Turkey	420,000	29.4%
Europe total	420,750	29.5%
Middle East	243,755	17.1%
North Africa	27,542	1.9%
Middle East and North Africa total	271,297	19.0%
Total	1,428,011	

Recommendation 7: That Australia’s Refugee Resettlement Program take stronger consideration of global resettlement needs

The composition of the offshore refugee program should reflect the priorities identified in UNHCR’s Global Resettlement Needs report, including an increase in the proportion of visas for resettlement places from Africa, reflecting that 44% of projected resettlement needs in 2019 are from this region.

5.2 GROWING AUSTRALIA’S CAPACITY

5.2.1 Current size of the Humanitarian Program

In 2017-18, there were 14,825 resettlement places granted under the Refugee and Humanitarian Program (the Humanitarian Program). This is a significant decrease from the previous year, which saw 20,257 people resettled. The fact that Australia was able to increase our intake to above 20,000 demonstrates our capacity for an increased program, and there is no clear justification for reducing the program again, especially in light of international needs.

¹⁶ Source: UNHCR’s Projected Global Resettlement Needs 2019, pp. 56–57.

Table 8: Permanent Refugee and Humanitarian visa grants by subclass, 2013–13 to 2017–18

Subclass	Program year of grant				
	2013–14	2014–15	2015–16	2016–17	2017–18
	Number				
Refugee					
Subclass 200 (Refugee)	4,722	4,848	6,843	8,328	5,890
Subclass 201 (In-country Special Humanitarian)	717	133	162	265	1,078
Subclass 203 (Emergency Rescue)	2	11	2	16	1
Subclass 204 (Woman at Risk)	1,043	993	1,277	1,044	940
<i>Total Refugee</i>	6,484	5,985	8,284	9,653	7,909
SHP					
<i>Total Special Humanitarian Program</i>	4,500	4,996	7,268	10,604	6,916
Total	10,984	10,981	15,552	20,257	14,825
	Per cent				
Refugee					
Subclass 200 (Refugee)	43.0%	44.1%	44.0%	41.1%	39.7%
Subclass 201 (In-country Special Humanitarian)	6.5%	1.2%	1.0%	1.3%	7.3%
Subclass 203 (Emergency Rescue)	0.0%	0.1%	0.0%	0.1%	0.0%
Subclass 204 (Woman at Risk)	9.5%	9.0%	8.2%	5.2%	6.3%
<i>Total Refugee</i>	59.0%	54.5%	53.2%	47.7%	53.3%
SHP					
<i>Total Special Humanitarian Program</i>	41.0%	45.5%	46.8%	52.3%	46.7%
Total	100%	100%	100%	100%	100%

5.2.2 Capacity for resettlement

The overwhelming feedback from community members, service providers and former refugees through RCOA's community consultations is that the Humanitarian Program should be significantly increased. Many consultation participants noted Australia's capacity to resettle more refugees, as well as comparing Australia to Canada.

While some service providers acknowledged the challenges associated with the Syrian/Iraqi intake, their concern was largely about the lack of planning which led to rapidly fluctuating numbers. While most service providers felt able to support greater numbers of people to settle, they observed that the rapid changes in the size of the program made it difficult to plan and manage staff levels.

Recommendation 8: Expand the Humanitarian Program in light of needs

The Department of Home Affairs should, in light of escalating global protection needs, consider expanding the Humanitarian Program to 30,000 places annually.

If this recommendation is not adopted, the Humanitarian Program should, at least, return to the 2016-17 level (21,968), including those resettled as part of the Syrian/Iraqi cohort.

5.2.3 Contingency quota

The ability of Australia to increase its resettlement by bringing in an extra 12,000 people from Syria and Iraq shows that Australia has the capacity to do more. As discussed in our two previous submissions on the annual Humanitarian Program, it also shows the value of increasing the flexibility of the Humanitarian Program by introducing a contingency quota for an emergency response.

Rather than reinventing the wheel, the precedent set by the Syria/Iraq example can be used as a basis for institutionalising a mechanism to respond more rapidly and flexibly to major crises. The main issue faced by service providers in scaling up their response was the speed required for the response, followed by the long delay before people started to arrive. Much of this could have been prevented through better planning and coordination, which could be facilitated by the inclusion of a contingency quota. This would ensure that the Department institutionalises mechanisms for considering the need for an emergency quota, including processes for identifying these needs, clear lines of responsibility, appropriate budgetary allocations and contractual provisions, and processes for ensuring timely communication and coordination and information-sharing.

We note that there would need to be clear guidelines for invoking this quota, such as on the recommendation of UNHCR, so that it is used to address genuine emergencies and the needs of the most vulnerable. In December 2018, the Andrew and Renata Kaldor Centre for International Refugee Law published a policy brief exploring the principles to be considered in determining a special intake of this kind.¹⁷

Recommendation 9: Establish a contingency quota for emergency responses

The Australian Government should establish an Emergency Response contingency quota over and above the annual Humanitarian Program intake to provide additional capacity to respond to urgent protection needs during emergency situations, such as the current crisis in Syria, the escalating violence for Rohingya people, and the continued conflict in South Sudan.

5.3 RESPONDING TO NEED

5.3.1 Referrals by UNHCR

While we agree that the Humanitarian Program should be flexible and responsive to changing needs, vulnerability must remain the key criterion. In our submission last year, we noted that the proportion of refugees referred by UNHCR dropped from 50% of new arrivals under Australia’s Refugee and Humanitarian Program in 2012-13 to just 30% in 2015-16. This information came to light as the result of a Freedom of Information request lodged by RCOA.¹⁸

While we have not yet sought an update on these figures, it is clear from UNHCR’s resettlement statistics that the proportion of UNHCR-referred refugees being resettled by Australia has continued to decline. UNHCR’s online Resettlement Data portal reports that the number of refugees referred by UNHCR who departed to Australia was just 3,741 in the 2018 calendar year.¹⁹ This is the lowest figure in at least a decade and just a third of the 2013 figure of 11,117 refugees resettled to Australia through UNHCR referral, as noted in Table 9.

Table 9: UNHCR-referred refugees departing to Australia, by calendar year²⁰

	2013	2014	2015	2016	2017	2018
UNHCR-referred refugees resettled to Australia	11,117	6,162	5,211	7,502	4,027	3,741
Australia's per capita ranking	1	1	4	3	8	n/a

Australia’s per capita ranking for refugees resettled through UNHCR processes has also fallen dramatically, from first in 2013 and 2014 to eighth in 2017. The 2018 ranking is not yet available.

Our consistent position is that the Humanitarian Program, and especially the Refugee visas, should be used to resettle those who are most vulnerable. UNHCR is best placed to conduct a vulnerability

¹⁷ See Andrew and Renata Kaldor Centre for International Refugee Law, *Special humanitarian intakes: Enhancing protection through targeted refugee resettlement* (6 December 2018) <https://www.kaldorcentre.unsw.edu.au/publication/policy-brief-7-special-humanitarian-intakes-enhancing-protection-through-targeted>

¹⁸ See Refugee Council of Australia, *Less than one third of refugees in Australia’s humanitarian program are resettled from UNHCR* (14 July 2017) <https://www.refugeecouncil.org.au/less-one-third-refugees-australias-humanitarian-program-resettled-unhcr/>

¹⁹ Information extracted from UNHCR Resettlement Data portal on 15 March 2019

²⁰ Source: UNHCR’s Global Resettlement Needs series (for 2013 to 2017). 2018 figure extracted from UNHCR Resettlement Data portal.

assessment and refer those who are most in need. As the Department of Home Affairs notes in its discussion paper on the 2019-20 program, the Humanitarian Program rightly aims to “provide permanent resettlement to those most in need”. To achieve this, we believe that at least two-thirds of the visas under the Humanitarian Program should be granted to refugees referred by UNHCR.

The composition of the Humanitarian Program remains heavily focused on family links, both through the Refugee Program and also through the use of the Special Humanitarian Program (SHP). As indicated in Table 8, the Special Humanitarian Program has expanded in recent years to 10,604 in 2016-17 and 6,916 in 2017-18. While the increase in the SHP has led to a welcome increase in family reunion, there are concerns that Australia is choosing people based on community links in Australia and not on their need for resettlement. As discussed below, other places should be made available to support family reunion.

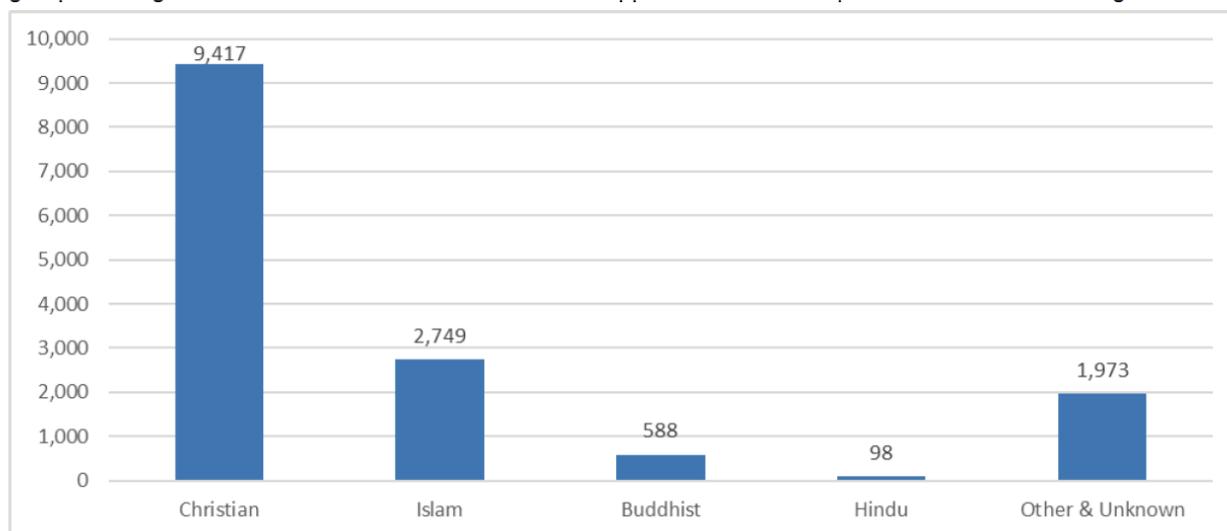
Recommendation 10: Ensure that the Refugee visa sub-class is reserved for cases referred by UNHCR

The Department of Home Affairs should ensure that it is resettling the most vulnerable refugees. At least two-thirds of the Humanitarian Program should be set aside for Refugee Program visas (subclasses 200, 203 and 204). These subclasses should be reserved for those who have been referred by UNHCR.

5.3.2 Religion

Participants in our annual consultations remain concerned that the Government continues to prefer refugees based on their religion, rather than their need for protection. As we noted in last year’s submission, this was made clear in January 2017 when then Prime Minister Turnbull told US President Donald Trump that he shared the President’s goal of prioritising minorities in refugee resettlement. Mr Turnbull was recorded as saying: “This is exactly what we have done with the program to bring in 12,000 Syrian refugees, 90% of which will be Christians. It will be quite deliberate ...”²¹ This preference for Christian refugees is highlighted in recent statistics, as shown in the following graph.

Figure 2: Number of persons granted by Humanitarian visas in 2017-18, by religion group ²²



The proportion of Christian refugees in the Humanitarian Program has almost doubled, from 37% in 2012–13 to 63.5% in 2017-18. Almost 80% of refugees arriving through the Syrian and Iraqi intake

²¹ ‘Read the full transcript of the Trump-Turnbull call’ ABC News (4 August 2017) <http://www.abc.net.au/news/2017-08-04/donald-trump-malcolm-turnbull-refugee-phone-call-transcript/8773422>.

²² Department of Home Affairs, *Australia’s Offshore Humanitarian Program 2017-18*, p. 23 <https://www.homeaffairs.gov.au/research-and-stats/files/australia-offshore-humanitarian-program-2017-18.pdf>

have been Christian. This is clearly disproportionate when Christians make up less than 1% of the Iraqi population and 10% of the Syrian population. UNHCR estimates the number of Christian refugees from Iraq at 15%, and from Syria at less than 1%.²³

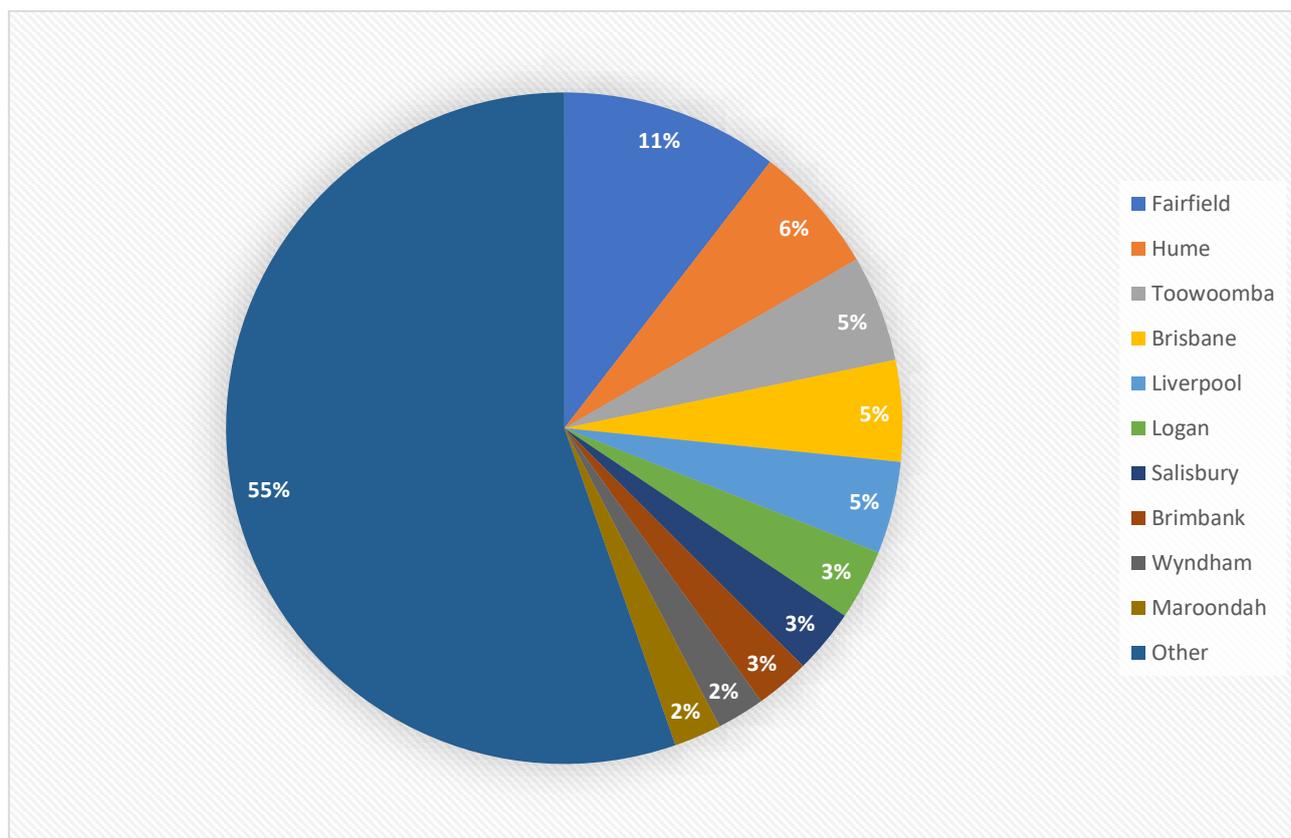
Recommendation 11: Ensure that Australia’s Humanitarian Program remains non-discriminatory

The Department of Home Affairs should ensure that the Humanitarian Program remains non-discriminatory, by selecting refugees and humanitarian entrants based on need, rather than their religion, nationality, skills, English language ability or any other attribute.

5.3.3 Settlement outside Sydney or Melbourne

A concern we have consistently raised in recent years is that the increase in family links and the SHP category means that fewer people are coming to regions outside existing settlement areas in Sydney or Melbourne. Some local areas, such as Fairfield City in New South Wales, have received a significantly disproportionate number of new arrivals. This is reflected in the following graph:

Figure 3: Humanitarian Arrivals by Local Government Area, 2018²⁴



This puts undue pressure on existing settlement areas, but also means that other areas are not receiving the number of arrivals they are used to. This undermines their ability to plan and maintain support for those already there, and for arrivals in the future.

5.3.4 Ensuring distributed arrivals across the year

Settlement service organisations have reported that this year, as with previous years, they are not receiving refugee and humanitarian arrivals at a consistent rate across the year. Most refugees (at least 70% in some areas) are yet to arrive this financial year (2018-19), leaving the large majority to

²³ Ben Doherty, 'Australia's immigration policy is meant to be blind to race, but is it?' *The Guardian* (5 April 2018) <http://www.theguardian.com/australia-news/2018/apr/05/australia-says-its-immigration-policy-is-blind-to-race-what-the-facts-show>.

²⁴ Statistics sourced from Department of Social Services.

arrive in the last three months. This has significant implications for settlement services, especially in regards to planning and staffing, as well as arranging essential services such as healthcare, housing and English classes.

If most refugees arrive in the last three months of the financial year, this places significant strain on settlement services, who do not have the staffing level to assist a large number of people within a short time. As settlement services are only funded when refugees arrive, organisations are also required to keep staff employed without the finances to cover their work. Services cannot simply hire more staff when refugees arrive, as this takes time and resources, and means that organisations lose experienced staff. This issue is further compounded by the lack of communication from the Department to settlement services about the expected arrival dates of refugees, a concern we have raised for many years.

Having a large number of refugees arrive at the same time provides difficulty for finding accommodation for people, especially in smaller towns and regional areas. Likewise, refugee health services are also not staffed to deal with a large number within a short period of time, as with schools, English languages classes and other essential settlement services.

The issue here is not the number of people arriving through the humanitarian program, but the distributed arrival time across the year. If arrivals are spread more evenly across the year, services will be able to plan for a steady rate of arrivals and ensure adequate staffing for the whole year, rather than suddenly facing a massive increase without adequate communication.

Recommendation 12: More even distribution of Refugee and Humanitarian arrivals

The Department should ensure that arrivals through the Refugee and Humanitarian Program are distributed more evenly across the year.

5.4 MORE PATHWAYS TO PROTECTION

5.4.1 Children at risk

While children and youth are often resettled as part of their family unit, UNHCR also has a specific resettlement category for children and adolescents who may be particularly vulnerable. UNHCR defines Children and Adolescents at Risk as:

- under 18;
- may or may not be an unaccompanied or separated child; and
- have compelling protection needs which are not addressed in the country of asylum and resettlement has been determined to be the most appropriate solution having regard to the child's best interests.²⁵

The Children and Adolescents at Risk category recognises that many children face significant risk, with or without their families. To be proposed for settlement, a Best Interests Determination (BID) must identify resettlement as the most appropriate solution for the person. For those who are found to be in need of resettlement following a BID, UNHCR will propose resettlement to a State that has support systems available to resettle the person. Currently, the US and United Kingdom (UK) have the most established resettlement programs for Children and Adolescents at Risk.

The joint non-governmental organisation (NGO) statement to the 2017 Annual Tripartite Consultations on Resettlement called for resettlement states to increase resettlement of children at risk.²⁶ Participants in our consultations also identified the need to prioritise children. Australia should learn from the US and UK in developing its own Children at Risk program, in consultation with UNHCR.

²⁵ United Nations High Commissioner for Refugees, *Resettlement Handbook* (July 2011) <http://www.unhcr.org/pages/4a2ccba76.html>, 285.

²⁶ This is set out in Refugee Council of Australia, *Report of 2017 Annual Tripartite Consultations on Resettlement* (18 August 2017) <https://www.refugeecouncil.org.au/publications/reports/atcr-2017/>.

Recommendation 13: Introduce a program to protect children at risk

The Department of Home Affairs should, in consultation with key stakeholders, increase its resettlement capacity for children and adolescents at risk by establishing a Children at Risk program. The program could use Australia's existing systems to receive and support children and adolescents at risk.

5.4.2 Community Support Program

The Refugee Council of Australia supports the idea of people in Australia being able to sponsor refugees. However, we have serious concerns about the design of the Community Support Program (CSP) which was finally opened in March 2018 after months of delays.

Our key concerns, about the CSP as detailed in a joint submission with our partners in the Community Refugee Sponsorship Initiative²⁷ and in our joint policy brief,²⁸ include:

- The fact that it is included within the Humanitarian Program, reducing the number of places available to the most vulnerable and undermining the willingness of the community to support the program;
- The exorbitant costs (up to \$100,000 for a family of five),²⁹ which will make sponsorship unattractive and drive desperate family members into debt;
- The criteria, which require the refugees to be 'job-ready', preferences certain countries of origin and asylum, and to be ready to move to a regional area, means that the focus is on their attractiveness as migrants and not their vulnerability;
- The focus on individuals and businesses creates a greater risk that the relationship will break down, and misses the opportunity for broader community engagement in the resettlement process.

We believe there is potential for the Australian Government to adopt a fair, open and community led refugee sponsorship program that can enhance Australia's response to the global refugee situation by drawing on the most successful aspects of the Canadian private sponsorship experience. We have therefore developed an alternative model for community refugee sponsorship which draws upon the best aspects of the Canadian community sponsorship experience, in partnership with Save the Children, Amnesty International, Welcome to Australia, Rural Australians for Refugees and the Australian Churches Refugee Taskforce.

Using this model, Australia could significantly enhance its humanitarian response to forced migration in a way which would help refugees integrate best into the Australian community. It would also leverage the compassion and generosity of Australians.

Key features of our proposed model are as follows:

- **Size of program:** The initial program size should be 5,000 places per annum, growing to 10,000 places per annum over the next five years. These places should be in addition to those provided under the Humanitarian Program.
- **Eligible refugees:** These should include those in most urgent need of resettlement as identified by UNHCR, as well as those seeking family reunion in Australia, and those whom Australian employers may wish to sponsor. Priority should be given to UNHCR-referred candidates, and the criteria should not include employability.
- **Eligible sponsors:** Those individuals wishing to sponsor refugees should do so as a collective 'sponsor group' under the auspices of a registered non-profit organisation, including incorporated community associations, local councils, religious organisations and other charities ('Approved Community Organisations' or 'ACOs'). ACOs should be able to

²⁷ *Community Refugee Sponsorship Initiative* <<http://www.ausrefugeesponsorship.com.au/>>.

²⁸ *Community Refugee Sponsorship Initiative, A Better Way: A New Model for Community Sponsorship of Refugees in Australia* (March 2018) <http://www.ausrefugeesponsorship.com.au/wp-content/uploads/2018/03/Final-Joint-Policy-Brief-Short-March-2018.pdf>.

²⁹ This includes fees and charges, an estimate of airfares, and an Assurance of Support of \$40,000. For a detailed explanation, see Refugee Council of Australia, *The Community Support Program* (4 July 2017) <https://www.refugeecouncil.org.au/ourwork/16445/>.

demonstrate that each sponsorship group will be capable of providing settlement support to the sponsored refugee(s) for 12 months.

- **Cost of sponsorship:** The concept of community sponsorship involves the sponsoring community organisation covering the cost associated with a refugee's initial stages of settlement, as well as airfares and medical checks prior to departure. Sponsor groups under the auspices of an ACO should be expected to raise funds to cover the costs for refugees for the first year of living in Australia. This should include costs for food and living expenses, rent and initial costs to make a new home in Australia. To ensure people do not experience hardship, sponsored refugees should have access to Centrelink (including rent assistance). However, the cost of Centrelink for one year should be covered by the sponsors. Our proposed model would reduce the cost of sponsoring a family of five from up to \$100,000 (under the CSP) to between \$20,000 and \$50,000, depending on the extent to which income support is required in the first year after arrival. The cost of sponsoring an individual would be between \$7,000 and \$20,000, depending on the period of income support required. Some of these costs could be offset if sponsors are able to provide in-kind support (such as free accommodation or furniture).
- **Access to public services:** Sponsors should be responsible for providing settlement support for the first year of settlement. However, sponsored refugees should have access to all other social services, Medicare, English language tuition and education, as with other refugees resettled through the Humanitarian Program. These costs should be borne by the Australian Government. After one year of settlement, sponsored refugees should continue to receive social security support from the government, as with refugees resettled through the Humanitarian Program.

This is explained further in our joint submission with the Community Refugee Sponsorship Initiative.

Recommendation 14: Replace the Community Support Program with a better community sponsorship model of 10,000 places

The Australian Government should replace the Community Support Program with a better model for community sponsorship for up to 10,000 places outside of the Humanitarian Program that focuses on four key principles:

- a) the principle of additionality;*
- b) priority based on need, not skills or nationality;*
- c) guaranteed access to settlement services;*
- d) wide community engagement.*

For a detailed proposal for a better community sponsorship model see the Community Refugee Sponsorship Initiative.³⁰

5.4.3 Alternative migration pathways

In recent years, we have highlighted in our submissions on the Humanitarian Program the significant interest worldwide in using other pathways, including skilled migration programs, to support more refugees to access protection. This interest was reflected in the New York Declaration on Refugee and Migrants, in which Australia and other countries committed to consider the "expansion of opportunities for labour mobility for refugees, including through private sector partnerships, and for education, such as scholarships and student visas."³¹

The Humanitarian Program should remain the main way which Australia resettles refugees. It should remain focused on resettling the most vulnerable people, in collaboration with UNHCR. However, Australia can complement this commitment by opening up other pathways for refugees to migrate to Australia, recognising that many refugees will also meet the skill requirements for other visa streams.

³⁰ Community Refugee Sponsorship Initiative, *A Better Way: A New Model for Community Sponsorship of Refugees in Australia* (March 2018) <http://www.ausrefugeesponsorship.com.au/wp-content/uploads/2018/03/Final-Joint-Policy-Brief-Short-March-2018.pdf>.

³¹ *New York Declaration for Refugees and Migrants* (19 September 2016) http://www.un.org/ga/search/view_doc.asp?symbol=A/71/L.1.

The Migration Program provides a real opportunity for Australia to contribute to international refugee protection while simultaneously meeting its need for skilled migrants. This presents a talent pool which Australia can use to meet its need for skilled migrants. The possibilities have been illustrated by the work being done by Talent Beyond Boundaries (TBB) to identify and facilitate the migration of skilled refugees. In January 2019, a Syrian-born IT specialist Tarek Mulla joined the Melbourne team of IRESS, after the company worked with TBB for some time to help secure his entry through a Skilled Visa.³² TBB is working with other Australian employers to facilitate the entry of other refugees with skills who have been identified for current vacancies in the Australian workforce.

To build on TBB's initial success, some current requirements need to be relaxed to accommodate the realities of displacement. Some avenues to explore include: opening up places for refugees within the skilled stream of the migration program; establishing a skills linkage program to connect refugees overseas with employers in Australia; and relaxing some of the restrictions that may prevent refugees from accessing the skilled stream. Other options include developing opportunities for refugees to enter Australia as students.

We have provided more detail on how the Department of Home Affairs can use the Migration Program as a complementary pathway to protection for refugees in our submission on the Migration Intake,³³ and repeat our recommendations in that submission.

Recommendation 15: Complementary migration pathways

In conjunction with refugee community members, industry advisors, and service delivery organisations, the Australian Government should develop a suite of complementary migration pathways for people to receive protection, including through skilled migration and educational pathways. These complementary pathways must be in addition to and not in place of the Humanitarian Program. This should include:

- a) Introducing flexible arrangements for people without required documentation of their identity, qualification, skills and employment history.*
- a) Providing more support for refugees to apply through the Skilled Migration Stream.*
- b) Providing concessions to employers and refugees wishing to apply through the Skilled Migration Stream.*
- c) Providing settlement support to refugees and their family arriving through the Migration Program, on a needs basis.*

6 REUNITE REFUGEES WITH FAMILY

6.1 IMPACT OF FAMILY SEPARATION

The Refugee Council of Australia welcomes the objective of the Humanitarian Program to “reunite refugees and people who are in refugee-like situations overseas with their family in Australia”. Each year, family separation is one of the most urgent issues raised by refugee community members in Australia. Each year, we have made submissions consistently recommending ways to improve access to family reunion. Unfortunately, the situation for separated families has not improved.

In 2016, we published a report on barriers to family reunion and the costs, both to refugees and to the wider Australian community.³⁴ We detailed the fears people in our community have for the safety of their loved ones, the pressure to support their families overseas, and the adverse impact on their settlement in Australia while waiting to reunite with their loved ones.

³² Andrew Walsh, *Solving the global skill shortage the smart way*, 6 February 2019 <https://www.linkedin.com/pulse/solving-global-skill-shortage-smart-way-andrew-walsh/>

³³ Refugee Council of Australia, *Submission on Managing Australia's Migration Intake* (Submission, 20 February 2018) <https://www.refugeecouncil.org.au/publications/submissions/managing-australias-migration-intake/>.

³⁴ Refugee Council of Australia, *Addressing the Pain of Separation for Refugee Families* (21 November 2016) <http://www.refugeecouncil.org.au/publications/reports/family-separation/>.

This has a significant long-term impact on the Australia economy, preventing people from rebuilding their lives and contributing to Australia. Family separation, especially for refugees with family members facing continued persecution and danger, causes significant mental distress and family breakdown.

6.2 COSTS

One of the key barriers to family reunion is the high costs of family reunion, both under the SHP and the family stream of the migration program. People proposing relatives under the SHP need to pay for airfares, migration agents, legal fees and costs of providing settlement support.

Within the migration program, the Australian Government recently sought to increase the required funds under the Assurance of Support (AoS) scheme. An AoS is an “assurance from an Australian resident that they will take financial responsibility for a new migrant during a set period, and will repay any social security payments received by the migrant during the period.”³⁵ We welcome the recent news that these changes will be withdrawn, as they would have had a significant impact on those seeking to help family members migrate to Australia.

As well, the visa application charges for family reunion in the migration program are extremely high. For example, it costs \$7000 to make an application for an offshore partner visa, excluding other associated costs such as health assessments, police certificates and airfares.³⁶ Under what is known as the ‘balance of family test’, parents can only be sponsored for a parent visa if at least half of their children live permanently in Australia, or more of their children live in Australia permanently than in any other country.³⁷ There is a 30-year wait to sponsor an aged parent on a ‘non-contributory parent visa’.³⁸ A ‘contributory aged parent’ has a shorter waiting period, but may cost up to \$100,000 for both parents. These visas are also capped by the Australian Government.

6.3 BARRIERS TO FAMILY REUNION UNDER THE SPECIAL HUMANITARIAN PROGRAM

The SHP is the main way people from refugee backgrounds seek to reunite with family members. However, there are not many places and demand far outstrips supply. In 2017-18, there were only 5000 places allocated to the SHP component: 2.6% of the overall 2017-18 permanent migration program. We estimate that, based on available government data, demand exceeds supply at a rate of seven to one,³⁹ so refugees often have to wait many years to reunite with their families.

Even if more places are set aside under the SHP, there are other barriers. We have detailed these extensively in previous submissions and in our report on family separation. These barriers include:

- The priorities for processing, which means those other than immediate family are likely to wait years to get a visa, if they get one,
- The narrow definition of ‘immediate family’, which excludes many close family members such as siblings and parents (unless the applicant is a minor), and children over the age of 18 unless they are ‘dependent’, and
- The lack of access to funded migration advice, which encourages exploitation and unscrupulous migration advice.

A further problem is the issue for separated families who have received (often temporary) protection in different parts of the world. Due to the definition of immediate family and the requirements under the SHP, these people are not able to be reunited.

³⁵ Michael Klappdor, ‘Assurance of Support changes’ *FlagPost*

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2018/April/Assurance_of_Support_changes

³⁶ *Migration Regulations 1994* (Cth), sch 1, item 1129.

³⁷ Department of Home Affairs, *Balance of Family Test* <https://www.homeaffairs.gov.au/Trav/Brin/Pare/balance-of-family-test>.

³⁸ *Parent Visa Queue* <https://www.homeaffairs.gov.au/Trav/Brin/Fami/Capping-and-queuing/Parent-visa-queue#%3E>.

³⁹ Refugee Council of Australia, *Addressing the Pain of Separation for Refugee Families* (21 November 2016) <http://www.refugeecouncil.org.au/publications/reports/family-separation/>.

6.4 RESTRICTIONS ON FAMILY REUNION FOR THOSE WHO CAME BY BOAT

There are also specific restrictions on those who came by boat, including:

- placing them as the lowest priority other than in exceptional circumstances, effectively barring them from family reunion until they become citizens
- barring minors who came by boat from proposing family members for resettlement (as of 22 March 2014), and
- barring people from resettlement if they have family members who came by boat.

This last policy prevents people arriving on a Women at Risk or Refugee visa, if they have a family member in Australia who had arrived by boat.

For people who came by boat, their best chance at family reunion is after they become an Australian citizen. However, they are now facing significant delays in getting citizenship, due to changes in processing citizenship applications that disproportionately affect those who came by boat.

6.5 INFORMATION AND COMMUNICATION ABOUT APPLICATION PROCESSES AND REASONS FOR REJECTION

We continue to hear from community members about the lack of information and communication from the Department of Home Affairs about a person's family application. People are frustrated by the lack of information provided on the timeliness and processing of their application, or for the reasons for rejection. Even those who have been accepted wait for a long time for their family to arrive, again without any communication from the Department.

6.6 THE NEED FOR A HUMANITARIAN FAMILY REUNION PROGRAM

As in previous years, RCOA recommends that the Australian Government develop a humanitarian family reunion program, outside of the Humanitarian Program. This should be done in consultation with refugee community members, practitioners involved in providing support with family reunion applications and other relevant stakeholders.⁴⁰ This proposal, which is detailed in our report on family separation, would make the family visa stream in the Migration Program more accessible to people from a refugee background.

Such an opportunity would fulfil Australia's commitment in the New York Declaration for Refugees and Migrants to "consider the expansion of ... flexible arrangements to assist family reunification".⁴¹ Current avenues for family reunion do not meet the needs of many refugee and humanitarian entrants. The demand for family reunion has meant both the SHP and the Community Proposal Pilot became expensive pathways to family reunion, which was not their original purpose.

Recommendation 16: Develop a humanitarian family reunion program

The Australian Government should develop a separate Humanitarian Family Reunion Program of 10,000 places, outside of the Humanitarian Program. This should be developed in consultation with former refugee community members and organisations, peak bodies and relevant service providers.

Recommendation 17: Enhance access to family reunion

In the absence of a separate Humanitarian Family Reunion Program, the Australian Government should enhance refugee and humanitarian entrants' access to family reunion by:

- a) *waiving application fees or at least introducing application fee concessions for refugee and humanitarian entrants sponsoring family members under the family stream of the Migration Program;*

⁴⁰ See Refugee Council of Australia, *Addressing the Pain of Separation for Refugee Families* (21 November 2016) <http://www.refugeecouncil.org.au/publications/reports/family-separation/>

⁴¹ *New York Declaration for Refugees and Migrants* (19 September 2016) http://www.un.org/ga/search/view_doc.asp?symbol=A/71/L.1 .

- b) *expanding the availability of no-interest loans to assist proposers in meeting the costs of airfares and/or application fees;*
- c) *introducing greater flexibility in documentation and evidence requirements under both the Humanitarian Program and the family stream of the Migration Program;*
- d) *reviewing eligibility requirements under the family stream of the Migration Program which effectively exclude applicants from refugee backgrounds;*
- e) *prioritising processing of family members at immediate risk; and*
- f) *ensuring access to settlement services on arrival and exempting family from the Newly Arrived Resident's Waiting Period.*

The Australian Government should consult with stakeholders to develop a process for assessing eligibility for concessions. There should be consultation with refugee communities, practitioners involved in providing support with family reunion applications and other relevant stakeholders to develop a process for assessing eligibility for the concessions referred to above.

Recommendation 18: Remove restrictions on family reunion for those who come by boat

The Australian Government should immediately remove current restrictions on access to family reunion opportunities for Protection Visa holders who arrived by boat (including changes to processing priorities).

If the above recommendation is not implemented, people whose applications have been affected by the introduction of retrospective changes to processing priorities should be given the opportunity to withdraw their applications and receive a full refund of application fees.

Recommendation 19: Restore funding for migration advice

The Australian Government should restore funding for professional migration advice services to support refugee and humanitarian entrants in lodging family reunion applications.

Recommendation 20: Identify families in need of reunification

The Australian Government should enter into dialogue with UNHCR about establishing a process for identifying refugee families that are seeking reunification, facilitating assessment and registration in countries of asylum and prioritising them for referral for resettlement under Australia's offshore program.

7 MEETING OUR INTERNATIONAL PROTECTION OBLIGATIONS

7.1 LINK BETWEEN ONSHORE VISAS AND THE HUMANITARIAN PROGRAM

The Discussion Paper indicates that one objective of the Humanitarian Program is to meet our international protection obligations. This refers to the inclusion of claims for protection made in Australia, or what is traditionally known as the 'onshore component' of the Humanitarian Program.

Our consistent position has been that grants of protection to refugees in Australia should not be included in the Humanitarian Program. If a person succeeds in claiming protection in Australia, Australia is obliged under international law to grant them protection. This should not be offset against the needs of vulnerable refugees who require resettlement overseas, as the two processes are not comparable. This has also been used to claim, misleadingly, that refugees who claim protection in Australia 'take away' places from more vulnerable refugees overseas.

Legislation passed in December 2014 did, in some ways, break this 'link' in two ways. First, grants of temporary protection visas are not included in the overall Humanitarian Program quota. While we are strongly opposed to the use of temporary protection visas, taking protection visas outside of the Humanitarian Program sets a useful precedent which should be extended to all protection visas.

Second, the legislation enables the Minister to cap permanent protection visas, as the Minister is able to do with migration visas more generally. The effect of this is that even if a refugee claim is

successful, if it is beyond the 'cap' set by the Minister in a financial year, that person cannot be granted protection until the following financial year. While the Minister does not appear to have exercised this power, this power is fundamentally at odds with our obligations under the Refugees Convention.

Recommendation 21: Separate the onshore and offshore components

The Department of Home Affairs should de-link the onshore component of the Humanitarian Program from the offshore component. Visas granted to onshore asylum seekers should not take places away from the offshore component. There should be no cap on the number of onshore refugee visas granted.

7.2 TEMPORARY PROTECTION

Although the de-linking of temporary protection visas from the Humanitarian Program is welcome, we strongly oppose the use of temporary protection visas. Such visas cause significant mental anguish as they prolong the limbo and insecurity of people who need protection. They run counter to everything Australia knows about the practice of settling refugees well, and everything we learnt from our past painful experience with temporary protection.

While the Refugee Convention may not guarantee permanent protection, many elements of the policy (such as the effective ban on family reunion, the differential treatment based on the mode of arrival, and the much more limited rights to social security) breach our international legal obligations, either under the Refugee Convention or other treaties.

We express particular concern at the recent policy that means that, if people do not apply to renew their temporary protection visas within time, they will be barred from making an application for protection. This arbitrary denial of protection to someone who has been recognised as a refugee on administrative grounds runs directly counter to our international protection obligations, and creates a real risk of *refoulement*.

Recommendation 22: Abolish temporary protection visas

The Australian Government should abolish Temporary Protection Visas and grant permanent visas to all people who currently hold Temporary Protection, Temporary Humanitarian Concern or Temporary Safe Haven visas.

If this recommendation is not implemented:

- a) All temporary protection visa holders be granted access to settlement services on the same basis as permanent refugee and humanitarian visa holders.*
- b) Transitional support provided under the Status Resolution Support Services program following the grant of a Temporary Protection Visa should be extended to at least six weeks, with extensions available on a needs basis.*
- c) Overseas travel restrictions should be lifted.*
- d) Family reunion options should be considered.*
- e) The Department of Home Affairs should develop a comprehensive communications strategy to explain the implications of temporary protection visas to both visa holders and service providers.*
- f) The Australian Government should consider options for designating certain industries in any location as fulfilling the eligibility criteria for the Safe Haven Enterprise Visa.*

Recommendation 23: Change the policy barring renewals of temporary protection visas

The Australian Government should abolish the policy barring renewals of temporary protection visas because a person has not applied in time.

7.3 RISKS OF REFOULEMENT

Meeting our international protection obligations requires us to ensure that Australia does not *refoule* (return) people to persecution or other serious harm. This requires us to apply the proper legal standards and to have appropriate processes for determining whether international obligations are owed.

We have made many submissions detailing our concerns about the risks of *refoulement* in recent years. Our concerns include:

- Offshore processing arrangements and inadequacies in refugee status determination in those places;
- Boat turnbacks that implement screening processes which are wholly inadequate to determine whether international obligations are owed;
- Turnbacks at airports of people who express concerns about their protection but are denied access to any form of independent legal advice;
- Changes to the definition of 'refugee' and the concept of 'internal relocation';
- The introduction of 'fast tracking' and other variations of refugee status determination processes for people who come by boat;
- The arbitrary 1 October 2017 deadline for lodging applications for protection;
- The removal of independent merits review under the 'fast tracking' process;
- Lack of access to government-funded migration advice and interpretation and translation services;
- Barriers to legal advice and representation in detention centres;
- Inappropriate interpretations of the risks to people on return, especially in Afghanistan and Sri Lanka;
- Arbitrary non-extendable and short time limits for appeals;
- Removals of people while they are awaiting claims to be heard in court; and
- Removals of people notwithstanding the existence of international protection obligations, as contemplated in the amended *Migration Act*.

All of these create real and significant risks that people will be returned to persecution or other serious harm. In some cases, deterrence policies such as offshore processing and indefinite detention have meant people have felt compelled to return to situations of persecution.

Australia is, and has long been, a world leader in refugee protection when it comes to resettling refugees. Yet this has been profoundly undermined by the suite of asylum policies that run directly counter to Australia's stated purpose of meeting its international protection obligations.

Recommendation 24: End the punishment of people seeking asylum

The Australian Government should end the punishment of people seeking asylum, which creates real risks of breaching our international protection obligations. These policies include offshore processing, boat turnbacks, indefinite detention, changes to the definition of refugee and internal relocation, the weakening of our refugee status determination processes, and removals of people before it is clear whether they are owed international protection.

7.4 USING RESETTLEMENT AS A LEVER

Finally, in an integrated strategy enhancing refugee protection in our region and beyond, we should use Australia's resettlement program as a potential avenue for leveraging even greater protections for refugees in other countries.

The need for the strategic use of resettlement is greater than ever, because of the reduction in resettlement places globally as a result of the changes in US policy. This should aim to promote

broader refugee protection by encouraging the countries of asylum which benefit most from resettlement (such as Thailand, Nepal and Malaysia) to improve the protection of refugees who will not be resettled by providing them with some form of legal status, the right to work and freedom from detention.

Australia also has an opportunity for its Humanitarian Program to be more flexible and responsive to emerging and escalating conflicts. A multi-year planning approach to the Humanitarian Program could provide the government with both the flexibility to respond to crises as well as the security of a defined and informed Program.

In line with the good practices identified in the Global Compact on Refugees,⁴² Australia should also contribute to the strategic use of resettlement by allocating places each year for the resettlement of refugees from at least three priority situations identified by UNHCR in its annual projected global resettlement needs, including one protracted situation.

Also in line with good practices identified in the Global Compact on Refugees,⁴³ Australia should dedicate at least 10% of its refugee program for resettlement submissions for emergency or urgent cases identified by UNHCR.

Recommendation 25: Develop a strategic framework for resettlement

The Australian Government should develop, publish and implement a framework for Australia's refugee resettlement program based on:

- a) priority resettlement to the most vulnerable refugees, including women at risk, children at risk, culturally isolated groups of refugees (e.g. small groups of African refugees in South and South-East Asia), LGBTQI refugees and other minorities at risk;*
- a) the promotion of family unity;*
- b) the strategic use of resettlement; and*
- c) the consideration of global resettlement needs in the development of regional allocations.*

7.5 STRENGTHENING PARTNERSHIPS WITH REFUGEE COMMUNITIES

In acting on the recommendations in this submission, the Australian Government can build an even stronger partnership with the nation's refugee communities. The New York Declaration identified refugees as key stakeholders in improving the collective response to forced displacement. In the 2½ years since the Declaration, the movement of refugee-led advocacy has broken new ground. Australian refugee community members have played leading roles in the formation of UNHCR's Global Youth Advisory Council in late 2017, the first Global Summit of Refugees in June 2018, the first Asia Pacific Summit of Refugees in October 2018 and the formation of the Global Refugee-led Network in January 2019. Following RCOA's 2019 Refugee Alternatives conference in Adelaide, refugee community members from different Australian states and territories are discussing options for forming a national refugee-led advocacy body, building on existing networks in some states.

Australian refugee community members want the opportunity to be more involved in discussions about the future direction of national refugee policy, the regional search for durable solutions and international discussions through the Global Refugee Forum. The Australian Government can benefit from their expertise (based on personal experience), their connections, their ideas and their energy. We would welcome the opportunity to discuss how a new partnership between the Australian Government, NGO networks and refugee communities can reposition Australia as a nation at the centre of global leadership on refugee protection.

⁴² UN High Commissioner for Refugees (UNHCR), *The Global Compact on Refugees* (Second Draft, 30 April 2018) <http://www.unhcr.org/en-au/events/conferences/5ae758d07/official-version-draft-2-global-compact-refugees-30-april-2018.html?query=global%20compact%20second%20draft>, 21.

⁴³ UN High Commissioner for Refugees (UNHCR), *The Global Compact on Refugees* (Second Draft, 30 April 2018) <http://www.unhcr.org/en-au/events/conferences/5ae758d07/official-version-draft-2-global-compact-refugees-30-april-2018.html?query=global%20compact%20second%20draft>, 21.