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## **Settlement Council of Australia's Submission to Australia's Humanitarian Programme 2016-17**

The Settlement Council of Australia (SCOA) welcomes the opportunity to provide input to Australia's Humanitarian Programme 2016-17. The Humanitarian Programme demonstrates and implements Australia's commitment to the protection of refugees and this commitment is crucial with today's global humanitarian crisis.

SCOA is the national peak body for settlement representing over 80 agencies providing settlement support to people of refugee and migrant backgrounds across Australia. SCOA's consultation with members and our research into the area have informed the preparation of this submission.

### **Size of the Humanitarian Programme:**

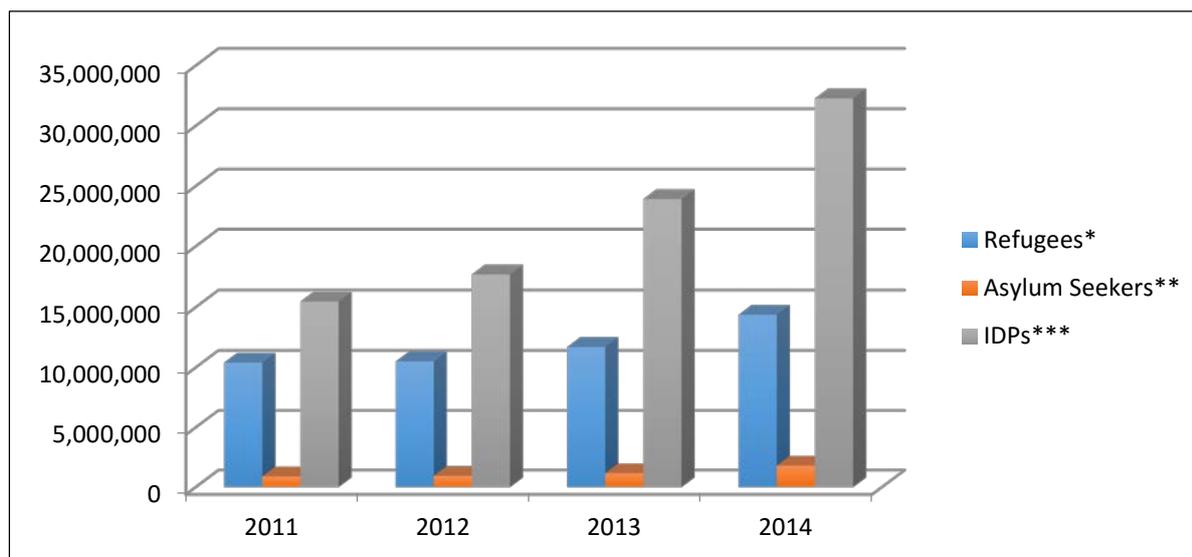
- 1. SCOA recommends the Humanitarian Programme intake be increased due to the global humanitarian crisis and increased demand for protection.***
- 2. SCOA recommends delinking the offshore and onshore components of the Humanitarian Programme.***

SCOA welcomed last year's planned increase in the Humanitarian Programme between now and 2019 for up to 18,750 people to be resettled in Australia as part of its offshore component. The Government's announcement of 12,000 additional permanent places for Syrian and Iraqi refugees was also a welcomed commitment to addressing the growing global humanitarian crisis. Particularly celebrated was the additional places were permanent protection visas. However, it must be noted Australia's resettlement quota has not increased to reflect the current global refugee resettlement demand and Australia's capacity to resettle. An increase in the Humanitarian Programme would provide greater protection to those fleeing their homes and countries due to ongoing instability.

UNHCR data estimates the number of people forcibly displaced from their homes due to humanitarian crises has increased drastically on a global level in only a few short years. The most recent data estimates from 2011 to mid-2015 the number of refugees has increased by 4.7 million

persons or 45 percent.<sup>1</sup> **Table 1** shows this drastic increase over a short time period of 2011 to 2014.

**Table 1: Forcibly Displaced Persons 2011-2014<sup>2</sup>**



*\*Refugees include individuals recognised under the 1951 Convention relating to the Status of Refugees; its 1967 Protocol; the 1969 OAU Convention.*

*\*\*Asylum-seekers are individuals who have sought international protection and whose claims for refugee status have not yet been determined, irrespective of when they may have been lodged.*

*\*\*\*Internally displaced persons (IDPs) are people or groups of individuals who have been forced to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights, or natural or man-made disasters, and who have not crossed an international border.*

Humanitarian Settlement Service (HSS) providers have the capacity and expertise to effectively support the settlement of a greater number of refugees into Australian communities. SCOA represents 90 percent of HSS providers across Australia. We engage with these members through formal and informal activities including our HSS Provider’s Forum in which they discuss settlement issues unique to these services.

HSS providers have indicated to SCOA their strong desire to increase the Humanitarian Programme intake and HSS’s capacity to support this increase. The expertise of these service professionals is demonstrated through their ongoing ability to provide high-quality settlement services. This is despite challenges such as the fluctuations in the number of newly arrived overtime, short notice times of arrival and the secondary movements. HSS providers have adapted to be flexible to these oscillating conditions. The Department of Social Services (DSS) recently released a report which includes an evaluation HSS program. This report concluded HSS is generally working well and on a

<sup>1</sup> UNHCR, 2015. “UNHCR Mid-Year Trends 2015”. <http://www.unhcr.org/56701b969.html>, p. 4.

<sup>2</sup> UNHCR, 2016. UNHCR Statistics, The World In Numbers. <http://popstats.unhcr.org/en/overview-ga=1.137433206.79922781.1457838632>

whole is effectively meeting its objectives.<sup>3</sup> During consultations to inform the evaluation report stakeholders stated HSS has the capacity to expand services offered indicating HSS has greater capacity within the existing HSS programme.<sup>4</sup>

SCOA has also been supporting HSS providers across the country to increase their capacities. The National Settlement Standards streamline settlement professionals' work standards and develop a set of Best Practice Benchmarks that reflect the quality of work undertaken in providing settlement support.<sup>5</sup> This will ensure those being supported by HSS providers will receive the highest quality support and in turn increase HSS provider's capacities. These standards will be rolled out across Australia over the next year.

### **Composition of the Humanitarian Programme:**

- 3. SCOA recommends the composition of the Humanitarian Programme be informed by UNHCR's data on global resettlement need with priority given to those most vulnerable, family reunion demand from those within Australia and Australia's capacity to assist.**
- 4. SCOA recommends greater transparency of the formulation of the Humanitarian Programme's composition and making this process and data used to inform it publicly available.**
- 5. SCOA recommends an in depth analysis be undertaken to determine demand for Special Humanitarian Program (SHP) to inform decision making on composition of the Humanitarian Programme and to develop predictive modelling of this demand.**
- 6. SCOA recommends equitable allocation of resettlement places to all regions based on determinations of vulnerability in consultation with UNHCR.**

The composition of Australia's Humanitarian Programme should be responsive to refugee situations around the world, and informed by accurate up to date data as well as an evaluation of those in greatest need of resettlement in consultation with UNHCR. Considerations for prioritising need include, but are not limited to, numbers in asylum, intake by other resettlement countries, access to human rights in country of asylum, protraction of situation, and access to other durable solutions. This should be balanced with Australia's capacity to resettle refugees and demand from people already settled in Australia to reunite with family members (see page 5 for further comment on family reunion). Accurate data and the process undertaken determining the composition of the Programme should be made publicly available to allow for transparency in decision making and build greater legitimacy of the Programme.

The composition of the Humanitarian Programme from 2010 to 2015 is shown in the **Table 2** below. It shows the SHP component has drastically increased over the past few years. This increase is welcomed by the settlement sector as it provides people the opportunity to reunite with their loved

<sup>3</sup> DSS, 2015. *Evaluation of Humanitarian Settlement Services and Complex Case Support Programmes*, <https://www.dss.gov.au/settlement-and-multicultural-affairs/publications/evaluation-of-humanitarian-settlement-services-and-complex-case-support-programmes>, p. 35.

<sup>4</sup> Ibid p. 50.

<sup>5</sup> SCOA, 2015. *National Settlement Standards Project*. <http://www.scoa.org.au/announcements/national-settlement-service-standards-project>

ones. However, those with the greatest need of resettlement may not have links to anyone in Australia. The split between SHP and the Refugee offshore visas needs to delicately balance the needs of people without links with those seeking family reunion. Without access to data on the demand of SHP visas it is difficult to make an informed decision on the split between SHP and Refugee visas. It is also difficult to determine whether the increase in SHP visas over time is legitimate and assists in resettling those in greatest need or is just shifting responsibility to provide settlement support from the Government to the proposer.

**Table 2: Humanitarian Programme grants by category 2010–11 to 2014–15<sup>6</sup>**

Category	2010–11	2011–12	2012–13	2013–14	2014–15
Refugee	5984	5988	11 985	6499	6002
Special Humanitarian Programme	2966	714	503	4507	5007
Onshore*	4828	7043	7510	2753	2747
<b>Total**</b>	<b>13 778</b>	<b>13 745</b>	<b>19 998</b>	<b>13 759</b>	<b>13 756</b>

\* Includes protection visas and onshore humanitarian visa grants that are countable under the Humanitarian Programme.

\*\* Data in this table is revised as at the end of the 2014-15 programme year, and may differ from previously published figures.

The process for determining the demand for SHP visas should be reviewed ensuring data informing this process is accurate. This data should be made publically available along with the decision making process for the determining the composition of the Humanitarian Programme. It is also recommended that predictive modelling be undertaken to determine the demand for SHP into the future.

The current global media spotlight on the conflicts in the Middle East has placed the region at the centre of the Humanitarian Programme’s discourse. Although the conflict in Syria is cited as the major contributor to the refugee crisis, the continued conflicts and instability in other areas including Afghanistan, Burundi, the Democratic Republic of the Congo, Mali, Somalia, South Sudan, and Ukraine, among others will also continue to be a contributor well into the future.<sup>7</sup> The places in the Humanitarian Programme should be allocated equitably across regions based determinations of vulnerability in consultation with UNHCR. No region should be given higher priority due to politicisation of the process.

Onshore Component and temporary visas

**7. SCOA recommends the reference to language deeming individuals as ‘illegal’ be removed from the onshore components of the Humanitarian Programme.**

<sup>6</sup> DIBP, 2016. *Australia’s Humanitarian Programme Fact Sheet*,

<http://www.border.gov.au/about/corporate/information/fact-sheets/60refugee#>

<sup>7</sup> UNHCR, 2015. “UNHCR Mid-Year Trends 2015”. <http://www.unhcr.org/56701b969.html>, p. 4.

- 8. SCOA recommends the abolition of temporary visas including Temporary Protection Visas (TPVs) and Safe Haven Enterprise Visas (SHEVs).**
- 9. SCOA recommends all individuals claiming asylum in Australia be eligible to apply for permanent protection under the Humanitarian Programme.**

Australia is signatory to the *Convention Relating to the Status of Refugees* (the *Refugee Convention*) obligating the Government under international law to provide protection to those seeking asylum on Australian shores. The Discussion Paper on the Humanitarian Programme 2016-17 states that the Programme is reserved for people who arrive 'lawfully' in Australia. The continued use of the language labelling some seeking asylum as 'illegal' contravenes international law, and it is based on the assumptions that some individuals are less deserving of protection. Therefore, SCOA does not support the use of temporary visas based on the arbitrary criteria of how a person arrived to seek asylum in Australia. Further, this language threatens social harmony in Australian communities and may incite discrimination, fear and hatred.

There is little evidence to support that TPVs have a deterrent effect. The impact of temporary visas on mental health of refugees has been well documented.<sup>8</sup> The nature of these visas leave individuals in a state of limbo for years creating uncertainty. SCOA recommends all individuals claiming asylum in Australia be eligible to apply for permanent protection under the Humanitarian Programme and TPVs and SHEVs be abolished.

#### Offshore Processing

- 10. SCOA recommends offshore processing and detention of those seeking asylum on Australian shores cease and alternative strategies be explored.**

SCOA is concerned about the continuation of offshore processing and its impacts on the lives of vulnerable individuals seeking protection. Australia is a signatory to the *Refugee Convention* obligating the Government to provide adequate protection to people seeking asylum on Australia's shores, despite the Government's current interpretation of these obligations. SCOA supports exploration of alternatives to offshore processing.

#### Family Reunion:

- 11. SCOA recommends DIBP design a mechanism to minimise the splitting up of families arriving to resettle in Australia.**
- 12. SCOA recommends DIBP expedite the processing of family reunion visa applications.**
- 13. SCOA recommends avenues for family reunion be extended to all humanitarian entrants.**
- 14. SCOA recommends in the context of family reunion, the definition of family be broadened.**

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<sup>8</sup> Momartin, S, Steel, Z & Coello, M et. al. October 2006, 'A comparison of the mental health of refugees with temporary versus permanent protection visas', *Medical Journal of Australia*, vol 185, no 7, pp 357-361 and Barnes, D. (July 2003). *And A Life Devoid Of Meaning: Living on a Temporary Protection Visa in Western Sydney*, Western Sydney Regional Organisation of Councils, Sydney; Leach, M. & Mansouri, F. (2004). *Lives in Limbo: Voices of Refugees Under Temporary Protection*, UNSW Press, Sydney.

Reuniting with family remains a high priority for refugees and asylum seekers. Significant long term personal, social and community benefits are realised through family reunion. Family separation has serious impacts on people's ability to settle into their new communities. Lack of family support amplifies other settlement issues. The mental health impacts from loss of family connection and significantly delaying or denying family reunion are well documented.

Our members report that their clients have not been given much choice by the UNHCR to decide on which country to resettle. As a result, individuals of the same family have been resettled in different countries. Although SCOA recognises the current avenues for refugees to reunite with family members through the SHP and CPP it is recommended greater opportunities for family reunion be explored. For instance, opening potential pathways through the Migration Programme could be explored. Many people from refugee backgrounds seek reunification under the split family provisions because the eligibility and documentation requirements associated with the Migration Programme are too onerous or impractical for them to meet. If concessions were available for some of these requirements, the family stream would become a more viable option for people from refugee backgrounds.

Family reunion options should be made available to all refugees regardless of how they entered Australia. Eligibility for family reunion should extend to those being processed in the onshore program. Further, the definition of family needs to be broadened. The narrow definition does not fit many refugees' views of who they define as family.

### **Women at Risk:**

- 15. SCOA recommends the Australian Government continue to offer the Women at Risk visa as a critical protection to vulnerable women and their dependents.**
- 16. SCOA recommends a review of the service payment points for transfers.**
- 17. SCOA recommends best services practices be investigated for Women at Risk visa holders.**
- 18. SCOA recommends exploration community engagement strategies specific to Women at Risk.**

The Women at Risk visa is a critical visa for providing protection for women at risk of experiencing extreme violence in their refugee situations. Australia should be proud it is one of a few countries in the world offering this crucial protection for these women and their dependants.

The majority of Women at Risk do not have any links to Australia. Considering the increasing SHP visa composition of the Humanitarian Programme (see **Table 1**), which are linked, it is critical to offer a visa to these vulnerable women which allows them to pursue protection without requiring links in Australia.

It is important that Women at Risk are placed where appropriate services and supports are available to them. Our members have indicated that these women are highly mobile and in some areas a high proportion relocate not long after initial settlement. Reasons cited for leaving include lack of access to specialised services; high end needs not able to be met early; and anecdotally, ostracised by coupled/married counterparts resulting in social friction and cultural division. This high probability for relocation is not ideal for the women or services providing support. The relocation is stressful on the women and their dependants and costly. For settlement providers, service payment points are

not typically reached to receive an income despite the level of initial support already provided resulting in a loss. SCOA recommends a review of the service payment points for transfers.

Ensuring adequate support for Women at Risk and their dependants is important for their ability to move forward with their lives in their new community. These women have had severe experiences of torture and trauma including systematic rape and sexual torture. They experience higher levels of post-traumatic stress and face greater challenges resettling.<sup>9</sup> Due to these experiences Women at Risk and their children often have complex needs requiring specialised support services.

Some settlement agencies have case workers that specialise in supporting Women at Risk visa holders. However, there are no specific guidelines for supporting Women at Risk, and mainstream service providers are not trained to deal with their complex issues. Settlement agencies report these women and their children can often be passed around and re-referred amongst mainstream services unsure how to handle their issues.

Best practices for those on Women at Risk visas should be investigated to support settlement agencies assisting these women. Engagement strategies are needed to ensure these Women at Risk are engaged with their communities.

### **Community Proposal Pilot (CPP):**

- 19. SCOA recommends the Community Proposal Pilot (CPP) numbers are increased and delinked from the Humanitarian Programme intake.**
- 20. SCOA recommends investigation into the CPP fees being lowered and/or offered at varying concession rates for certain cohorts.**

Additional avenues for refugees to reunite with their families in Australia such as the CPP are welcomed by SCOA. SCOA recommends increasing places within the CPP. However, it is important that the Pilot's places are separated from the Humanitarian Programme and work complementary to it.

SCOA has concerns that the CPP reduces the focus of the Humanitarian Programme from the values of refugee protection. The Pilot's fees are extremely high excluding many of the highly vulnerable who are unable to pay such high fees. In this sense the CPP is inequitable as it only offers protection to those with money. Further, our members have raised concerns that the program is establishing a trend for the Federal Government to devolve its international obligations and outsource to the community sector its international refugee resettlement responsibilities.

SCOA members have also commented on the pressure the CPP puts on families to raise the funds to participate. Given the very distressing situations family members are often in overseas many will feel they have no choice but to raise the funds required. SCOA recommends investigation into changing the CPP fees and concessional rates for certain cohorts.

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<sup>9</sup> Bartolomei, L. & Eckert, R. 2004, *Research Findings, Women at Risk project*, Centre for Refugee Research, UNSW, Sydney



### **Settlement support:**

- 21. SCOA recommends DIBP explore ways to ensure a steady flow of new arrivals to settlement agencies.**
- 22. SCOA recommends the time-based eligibility for settlement services is reviewed.**
- 23. SCOA recommends TPVs and SHEVs holders be granted full access to HSS and Settlement Grants Programme (SGP) services.**

Settlement service providers across Australia report ebbs and flows of arrival numbers and being provided with limited information as to when people will arrive and how many. The unpredictability of new arrivals creates challenges, in particular for regional providers. In some areas agencies are given indicative numbers for the year but receive no arrivals, or all the clients arrive at the same time. The cyclical nature of dealing with peaks and troughs of client referrals is familiar to agencies, but it does have an impact on the management of the program and sustainability of staff. In some locations it has led to flow on impacts on non-settlement agencies that receive referrals, in particular in regional areas. A steady flow of arrivals would translate to cost reductions and service improvements.

Our members have indicated they are concerned about TPV and SHEV visa holders' lack of eligibility for settlement services. It was noted previous experiences of TPV holder's lack of access to services resulted in pressure on settlement agencies, community organisations and the refugee community themselves to support these people. It will also negatively impact upon these individuals ability to participate in their communities and be self-sufficient.

SCOA thanks the DIBP for considering this submission. If any further information is required please don't hesitate to contact the SCOA National Office on **(02) 8065 5225** or at [admin@scoa.org.au](mailto:admin@scoa.org.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read "Dewani Bakkum", with a horizontal line underneath.

Dewani Bakkum  
Chair - Settlement Council of Australia