Submission to Department of Immigration and Border Protection

Australia’s Humanitarian Programme 2017-18 Discussion Paper

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Introduction

The St Vincent de Paul Society National Council (the Society) welcomes the opportunity to provide feedback on the Commonwealth Department of Immigration and Border Protection Discussion Paper on Australia’s Humanitarian Program 2017–18 (the Discussion Paper).

This year’s consultation takes place against a backdrop of both challenges and opportunities. The number of people forcibly displaced due to persecution, conflict, violence and human rights violations is at the highest level since the Second World War. Australia has a long history of providing refuge to people fleeing war and persecution, and our world-class settlement services have been a crucial ingredient in supporting refugees to resettle successfully. Yet in more recent years, Australia’s reputation as a generous and welcoming nation toward displaced peoples has been fractured, with divisive and damaging policies and nationalist rhetoric eroding some of the foundations that underpinned our previous responses to refugees.

The Society therefore welcomes this current consultation as a means of reviewing and revising current policy priorities and increasing Australia’s contribution to refugee protection. In a context of unprecedented international demand for refugee resettlement, it is our view that Australia’s Humanitarian Program should be much larger. Australia’s Refugee and Humanitarian Program assisted approximately 13,750 people from 2016-17, and it is proposed the program will increase to 16,250 places in 2017-18. The increase in the intake proposed by the Federal Government is clearly inadequate when considered against the rising number of refugees in the world.

This submission calls for a larger resettlement program, with places allocated on the basis on protection need, and with an additional emergency component to respond to crises or periods of heightened need. It also emphasises the need to delink the onshore and offshore humanitarian streams; strengthen regional cooperation; properly resource settlement services; and expand family reunion pathways. The Society further urges the Government to maintain non-discriminatory policies and practices, both in terms of the allocation of places (which should be prioritised on the basis of protection need), and in terms of wider policies and political rhetoric applied to asylum seekers and refugees living in the community.

Finally, this submission touches on the unjust and inhumane policies that apply to asylum seekers and refugees who arrive by boat in Australia, and those who remain stranded in the Asia-Pacific region due to the official policy of deterrence and offshore processing. These areas of policy are excluded from the Discussion Paper’s terms of reference. However, these deterrence-based policies are at odds with our international obligations and undermine the foundations for regional and international refugee protection. While resettlement should be an integral part of our contribution to refugee protection, it cannot offset the devastating effects of our treatment of those who seek safety on our shores. Australia’s policies toward asylum seekers and those who arrive by boat are inextricable from the other elements of the Humanitarian Program, and we do not believe it is possible to properly review and evaluate the Program without considering these unjust and inequitable policies. Accordingly, we maintain that until Australia embraces its own responsibility to protect asylum seekers, it cannot engage in good faith efforts to promote the international and regional cooperation that is so greatly needed to address the contemporary challenges of displacement.
About the Society and our work with asylum seekers and refugees

The St Vincent de Paul Society (the Society) is a respected lay Catholic charitable organisation operating in 149 countries around the world. Our work in Australia covers every state and territory, and is carried out by more than 64,000 members, volunteers, and employees. Our people are deeply committed to social assistance and social justice, and our mission is to provide help for those who are marginalised by structures of exclusion and injustice. Our programs assist millions of people each year, including people living with mental illness, people who are homeless and insecurely housed, asylum seekers and refugees, women and children fleeing violence from men, and people experiencing poverty.

The Society has a long history of working with refugees and asylum seekers. Catholic social teaching places a strong onus on us to help people who have fled their homeland due to war, persecution, injustice or intolerance, and who are seeking asylum. To that end, the Society provides services and support to migrants, asylum seekers and refugees in each state and territory in Australia. The nature and range of these services varies, and includes material assistance (food, clothing, furniture, white goods, and contributions toward the payment of utilities bills); financial counselling; advocacy and referrals to other agencies; assistance with visa applications and appeals against adverse decisions; social activities and pastoral support; visiting immigration detention facilities; assistance with short-term accommodation; facilitating access to counselling for victims of torture and trauma; educational and after-schools activities for children; and English-language tutoring and vocational support. In addition to providing direct support to new arrivals, the Society also engages in public advocacy to ensure government policies and programs uphold our moral and legal obligations to asylum seekers and refugees, and to support an inclusive and compassionate approach to asylum seekers and refugees living in the community.

To inform our public advocacy on asylum seekers and refugees, the Society convenes a national Vincentian Refugee Network, which comprises members from across Australia who have first-hand experience of working with asylum seekers and refugees. These members are dedicated to easing the transition of new arrivals to life in Australia. They witness first-hand the daily struggles asylum seekers and refugees face and their resilience in the face of such struggles, as well as hearing their stories of persecution in their homeland. This submission draws upon the extensive experiences and invaluable insights of the Vincentian Refugee Network.
Australia’s Humanitarian Program

Increase the size of Australia’s refugee resettlement program

Australia’s Humanitarian Program plays an important role in the resettlement of refugees. The Government has committed to an intake of 16,250 for the current financial year, and 18,750 places for 2018-19. In light of global needs, it is the Society’s view that number of places currently allocated is insufficient and should be significantly increased.

The case for increasing Australia’s refugee intake is clear and compelling. According to the United Nations Human Rights Commissioner (UNHCR), violent conflict and persecution are causing more people than ever to be forcibly displaced worldwide. Among the 65.6 million people displaced in 2016, around 22.5 million were refugees, with the majority residing in low- or middle-income countries. As a proportion of these refugees, the numbers resettled by the UNHCR has always been small, with fewer than one per cent of the refugees under the UNHCR’s mandate gaining access to resettlement each year. In 2017, the UNHCR projects 1.19 million refugees globally will be in need of resettlement:

Despite the increasing need, there remains an enormous gap between resettlement needs and available places. Far too many people of concern to UNHCR remain in precarious protection situations, with little hope of a durable solution in the future.

In the context of this vast and unprecedented need, it is imperative nations such as Australia scale up their refugee resettlement commitments. Despite being one of the wealthiest nations, our overall contribution to alleviating the global refugee burden is meagre. Australia makes an important contribution to the UN refugee resettlement program, however resettlement is a tool used by only a small number of industrialised countries and does not significantly reduce the impact of refugee flows on countries of first asylum. Less than one per cent of the world’s refugees are ultimately assisted by UN resettlement, with over 80 per cent of the world’s refugees hosted by developing countries bordering conflict zones or fragile states. According to the UNHCR’s Global Trends report, Australia is ranked 46th in the world for the number of refugees hosted (63rd per capita and 81st relative to Gross Domestic Product). Of the 2.45 million refugees who had their status recognised or were resettled in 2015, just 0.48 per cent were assisted by Australia (11,776 people). By this measure, Australia ranks 25th overall, 32nd per capita, and 47th relative to total national Gross Domestic Product (GDP).

Australia can, and must, do more. In the past, we have successfully scaled up our refugee intake in response to escalating need and heightened displacement from war and conflict. In 1979-80, Australia’s humanitarian program offered 19,954 places, and in 1980-81 approximately 22,545 visa places were granted. Further, our economy is three times the size it was in the 1980s when we

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1 In terms of UNHCR resettlement, Australia ranks fourth on a per capita basis, behind Liechtenstein, Norway and Canada.
offered safe haven to much larger numbers than we do today. Australia’s contribution to refugee resettlement is also extremely low as a proportion of our overall annual migrant intake and has been declining in recent years. In fact, the number of visas allocated to UNHCR assisted refugees is currently at the lowest percentage of the migration program for more than twenty years (at only 3.2 per cent).

The planned intake for 2018-19 also falls short of the 20,000 visas offered in 2012–2013, when the former Labor Government acted on a recommendation of the Expert Panel on Asylum Seekers (the Houston Panel). In 2012, the Society welcomed the Expert Panel’s recommendation to increase the humanitarian intake to 27,000 visas within five years. In making this recommendation, the Expert Panel identified a number of benefits of increasing the intake:

- it would serve Australian national interests and international engagement;
- it would enhance the scope of cooperation with regional partners;
- it would give greater hope and confidence to asylum seekers in the region that regular migration pathways and international protection arrangements provide a practical, realistic and better alternative to dangerous boat voyages to Australia;
- it would enable Australia to assist in meeting growing humanitarian needs in the region in a fair and timely way;
- it would support Australian strategies to encourage other international resettlement countries to assist in more expansive ways; and
- it would contribute to the strengthening of regional cooperation on asylum issues.

We firmly believe that Australia has the capacity and infrastructure to substantially increase our refugee intake. While the impetus for doing this is first and foremost a humanitarian one, increasing our humanitarian intake has wider benefits, demonstrating Australia’s leadership in human rights, strengthening the international and regional protection system, and placing Australia in a better position to pressure other nations to cooperate and share responsibility for meeting the protection needs of refugees.

The Society therefore urges the Australian Government to increase the humanitarian intake, proportionate to our prosperity and population, and in line with contemporary realities regarding the numbers of displaced persons globally. We recommend Australia’s offshore refugee resettlement component is increased to 25,000 places in 2017-18, with the program progressively expanded in coming years towards an annual program of at least 30,000 places.

In addition to increasing the annual intake, we recommend the Government maintain the flexibility to offer further places in response to emerging and escalating conflicts and unforeseen events. This contingency intake should be over and above Australia’s planned annual humanitarian quota, and would provide additional capacity to respond to urgent and heightened protection needs, such as the current crisis in Syria, the intensification of violence toward the Rohingya people of Southeast Asia, and the ongoing conflict in South Sudan.

We lament the fact that, since 2013, successive governments have failed to adopt higher quotas. At 16,250, the number of places allocated in the 2017-18 program is insufficient to address the need identified by the UNHCR. Nor is it enough to simply maintain the program at 18,750 places from 2018-19 as stated in the Department’s Discussion Paper. The Society are also concerned that there has been no commitment from the Australian Government to maintain this increased intake beyond 2018-19.
The Society believes that increasing the size of the program to 30,000 places is a modest but achievable objective, and would ensure Australia makes a meaningful contribution to global refugee protection.

**Delink the offshore and onshore humanitarian intake quotas**

Australia is the only country that links offshore and onshore humanitarian intakes. The Society calls on the Australian Government to break the numerical link that sees humanitarian program applicants and onshore asylum seekers competing for a limited number of visas.

The numerical linking of offshore and onshore quotas is problematic for several reasons. Firstly, coupling together the onshore and offshore components is out-of-step with international practice and with our obligations under the Refugee Convention.⁷ Offering refuge to those who seek asylum in Australia (onshore) fulfils our international obligations under the UN Refugee Convention, an agreement we have respected since 1954.⁷ In turn, resettlement (offshore) reflects Australia’s voluntary commitment to collective responsibility for refugee protection. Numerically linking the onshore and offshore components blurs the critical distinction between Australia’s international obligations and our voluntary contribution to burden sharing.

Linking the offshore and onshore intakes has also fuelled division and fomented hostility toward asylum seekers, generating a toxic debate that misrepresents asylum seekers arriving by boat as ‘queue jumpers’ who take the place of so-called ‘legitimate’ refugees. The coupling of onshore and offshore components was first implemented by the Howard Government in 1996, and was accompanied by divisive rhetoric about ‘genuine’/‘deserving’ (offshore) refugees and ‘illegal’/‘queue jumping’ (onshore) refugees. The consequence of this policy was to incite hostility and punish all asylum seekers and refugees by substantially reducing the annual number of refugees resettled by Australia.

However, far from asylum seekers taking the place of ‘genuine’ refugees, it was the shift in public policy reduced the number of offshore resettlement places in Australia. It is not boat arrivals but government policy that is responsible for this unjust outcome. Breaking the arbitrary link between offshore and onshore intakes is therefore important to restore the integrity of Australia’s humanitarian program, meet our international obligations to asylum seekers, and to redress the false assumption that asylum seekers are ‘queue jumpers’.

**Strengthen regional cooperation**

Australia’s role in international refugee protection includes its ongoing responsibility to foster regional cooperation above and beyond its attendance at multilateral forums. The Society encourages the Australian Government to work more effectively with other nations in the region and provide greater support to both to transit countries and those countries where people first flee.

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⁷ The Refugee Convention sets out the basic principles of state responsibility vis-à-vis the protection of refugees. The right to seek asylum (the mechanism that allows an individual to enter a signatory state, authorised or unauthorised, and seek protection) is a foundational principle of the Convention and the international system of protection. The prohibitions against (a) returning a refugee to a country where she might be persecuted and (b) punishing the refugee for seeking asylum without authorisation (i.e. showing up inconveniently, unannounced, uninvited, without a visa) are integral to the concept of asylum.
The Society recognises that the issue of forced migration in the Asia-Pacific is multifaceted and complex. The region hosts over 9.5 million persons of concern to UNHCR, including some 3.7 million refugees, 2.4 million internally displaced persons (IDPs) and 1.6 million stateless individuals. Despite hosting a large portion of the world’s displaced population, many countries in the Asia-Pacific region are not parties to the Refugee Convention or Protocol, and lack the legal frameworks and/or technical and financial capacity to provide protection to refugees. This combination of circumstances has placed refugees in an untenable position, since it is not safe for them to return to their countries of origin, nor can they access protection in host countries. They live in limbo with few, if any, legal rights, coupled with extremely limited financial resources and no access to government-provided services. As the UNHCR noted in its most recent report on global resettlement needs:

> Half of the countries/territories in this sub-region have not acceded to the 1951 Refugee Convention and/or the 1967 Protocol... The absence of national legal frameworks and procedures relating to refugee protection, limited local integration opportunities, and the lack of prospects for voluntary repatriation for the majority of the refugee populations demonstrate the continued need for resettlement as an important durable solution in the region.

However, far from supporting durable solutions for refugees, the policies of successive Australian governments have exacerbated the dangers and difficulties faced by displaced peoples in our region. Australia’s policies have contributed to growing numbers of people being warehoused on a long-term basis, with limited prospects for resettlement.

The situation of refugees stranded in Indonesia illustrates these impacts. Since Australia enacted its Operation Sovereign Borders policy in 2013, more and more refugees and asylum seekers are spending longer periods of limbo in Indonesia. Under this policy, Australia has adopted a ‘zero-tolerance’ posture toward asylum seeker boats, with forced turn backs of asylum seeker boats and the removal of asylum seekers to remote Pacific Island detention camps. In 2014, Australia announced that it would no longer resettlement any refugee registered with the UNHCR in Indonesia after 1 July 2014. In conjunction with these measures, Australia has provided significant funding and political incentives to encourage Indonesia to use immigration detention to deter asylum seekers from making the onward journey to Australia. According to the then Immigration Minister Scott Morrison, these combination of measures “should reduce the movement of asylum seekers to Indonesia and encourage them to seek resettlement in or from countries of first asylum.”

Scott Morrisons’ predictions, however, have not eventuated. The flow of displaced persons into Indonesia has continued unabated. And with Australia no longer offering resettlement places from Indonesia, the numbers of refugees living in limbo has swelled to nearly 15,000, including a substantial number of unaccompanied minors. According to Human Rights Watch, unaccompanied minors who have arrived in Indonesia as asylum seekers live in a “toxic limbo” of detention, exploitation, violence and destitution. While some are detained in appalling conditions in detention facilities built with funds from the Australian Government (with nearly 1000 children currently in immigration detention in Indonesia), others living in the community struggle to find basic shelter or enough to eat. Most refugee children do not access education, and some are subject to abuse and exploitation as they struggle to survive on the margins of society. As Save the Children recently observed:

> Despite the desperate situation for refugees and asylum seekers in Indonesia, there are some emerging practices and signals that the Indonesia Government are prepared to address some of the inhumane conditions in detention and offer a limited number of places for refugees in community housing.
The impact of current Australian immigration policies and practice, which have effectively blocked this route to Australia, has meant that a large number of asylum seekers and refugees have become effectively ‘stuck’ in Indonesia, unable to move forwards or backwards, with the prospect of resettlement becoming more and more remote as time goes on. Australia’s ‘ban’ on the resettlement of refugees who arrived in Indonesia after 1 July 2014 together with the recent slashing of the annual US resettlement quota by 60,000 places are both areas of great concern. The numbers of asylum seekers and refugees arriving in Indonesia does not appear to have diminished in recent years, although there is some suggestion that the number of arrivals with bona fide claims to protection may be diminishing somewhat.13

The Discussion Paper details Australia’s involvement in the Bali Process in 2016 and the Association of Southeast Asian Nations (ASEAN). However, in practice, Australia has failed abysmally in terms of a cooperative regional approach. To date, the primary focus of Australia’s multi- and bilateral efforts has been preventing onward flows of asylum seekers to Australia – an approach that “encapsulates the restrictive side of the international refugee regime and the idea of responsibility-shifting rather than burden-sharing”.14

It is vital Australia review and revise its current policies and take a lead in the development of a genuine regional approach to the protection of asylum seekers and refugees. To do so, we must redefine our conception of the ‘problem’, reset our goals, review our strategy and recalibrate our conception of ‘success’. Increasing resettlement options is one element of an effective regional approach. To these ends, Australia should accept more refugees from those awaiting resettlement in Indonesia and other major transit countries in the Asia-Pacific, and immediately reverse the ban on the resettlement of persons arriving in Indonesia post-June 2014.

While increasing resettlement options is crucial, the Society recognises that a range of complementary measures are needed. A comprehensive regional protection framework should include measures across the areas of aid, diplomacy, humanitarian assistance, and strengthening intergovernmental protection mechanisms. This includes:

- directing overseas aid to refugee protection strategies in the region, primarily through UNHCR, and supporting new regional and local initiatives which enhance refugee protection;
- building positive relationships with governments, NGOs and inter-governmental bodies in the region (this includes working through both bilateral and multilateral channels);
- diplomatic action to encourage better conditions and human rights protections in countries of origin;
- supporting protection systems in countries of first asylum and transit to make sure displaced people have access to safe and secure shelter, health, education and livelihood opportunities, pending durable solutions; and,
- logistical and financial support to UNHCR to improve refugee status determination processes in countries in the region, particularly Indonesia, Malaysia and Thailand.

**Maintain non-discriminatory processes**

The Society supports increases to the number of protection visas granted and, similar to other organisations assisting refugees, we noted strong community support following the announcement of the additional 12,000 resettlement places for Syrian and Iraqi refugees.15 The experience of the Society as a grassroots organisation leads us to believe the wider community would support a further increase in places.
It is vital, however, that places offered under the humanitarian program continue to be based on protection needs and do not discriminate on the basis of religion or other arbitrary criteria. Reports that the most recent intake has deliberately favoured Christians over refugees from other faiths are abhorrent to us and contradict the principles underpinning the international refugee protection system. A central principle of the Society is that it offers assistance and support to those in need, irrespective of their religion, age, gender or other characteristics. Consistent with this, the Society firmly supports the foundational principles of non-discrimination and cooperation that underpin the international legal order generally, and refugee protection specifically. The Refugee Convention affirms that protection should be allocated on the basis of need, and should not be dependent on other criteria, such as religion, country of origin, ‘integration potential’, or ethnicity.

Recent political rhetoric has called into question the non-discriminatory basis of Australia’s refugee protection system. Public officials who link Australia’s refugee intake with social or security threats, such as terrorism or gang-based violence, have increased hostility toward refugees living in the community.

Public statements that perpetuate stereotypes or frame refugees as a security threat have tangible impacts on the everyday lives of refugees in the community, and the Society has witnessed the cruel outcomes for refugees that stem from public misinformation and vilification.

It is essential Government policy, processes and communications preserve the non-discriminatory basis of Australia’s approach to refugees and asylum seekers, both in terms of the criteria for selecting the humanitarian intake and in relation to inclusive and non-discriminatory public policies and discourses. The Society’s Policy and Position Statement for People Seeking Asylum recommends that the Government:

- promotes access to resources which will help the Australian community better understand the true circumstances and human rights of asylum seekers and refugees; and,
- focuses on the positive social, cultural and economic contributions made by refugees.

In addition to fostering more inclusive policies and excluding factors such as religion or ‘integration potential’ as a basis for selection, it is important the different visa streams in the humanitarian program do not detract from a needs-based approach. We believe the increased focus on selecting refugees for resettlement through community proposals (such as through the Community Sponsorship Program or the Special Humanitarian Program), rather than through referral through UNHCR, has the potential to favour people based on their community links to Australia rather than their protection needs and level of vulnerability. It is important the use of these additional visa categories does not dilute the needs-based principle of refugee protection, elevating factors such as ability to pay or pre-existing family connections in Australia as the central basis for entry. While an increase in the number of SHP visas is welcome, especially given the backlog in family reunion applications, it should not displace places from other refugee visa categories which prioritise placements on the basis of protection needs. Those who are particularly vulnerable but without resources or community links to Australia should not be disadvantaged in accessing resettlement.

**Settlement Support**

**Properly resource settlement services**

Throughout our long history of providing settlement support for refugees and migrants, the Society has witnessed first-hand the healing impacts on the lives of people who have obtained refugee
status. We recognise that Australia’s settlement services are renowned internationally and have many exemplary features. The Society itself runs a wide range of post-settlement assistance of all varieties, such as material aid, housing, white goods and legal assistance.

Many services are, however, overstretched and struggle to meet demand. As a member of the Vincentian Refugee Network from South Australia has observed:

In relation to settlement support services, anecdotally we hear that resources are extremely stretched and refugees do not receive anywhere near the level of support needed. Similarly, the number of hours of English language tuition is minimal. An increase in the number of free hours available would greatly benefit refugees in terms of future employment and study prospects.

It is important settlement services are adequately funded and able to deliver a broader range of activities and supports. In addition, inequities in access to such services should be overcome. Currently, eligibility for Government-funded settlement services varies depending on the type of visa a person holds. We believe such disparities in eligibility should be reviewed and rectified, with eligibility determined by need rather than visa class.

There also needs to be greater flexibility in program eligibility and delivery to enable services to cater to individual needs. For example, the twelve-month time limit for Government-funded settlement support is not sufficient for those with more intensive and ongoing needs. Furthermore, the 510-hour time limit for English language tuition is inflexible and should be revised. Parents with childcare needs or activity requirements imposed by employment services also encounter difficulties in attending English language services, and such services need to be delivered in a way as to accommodate these varying circumstances and needs.

To strengthen the services and support offered to refugees and asylum seekers, we believe further consideration should be given to strengthening the coordination of settlement services, as well as the coordination between settlement, ethnospecific and mainstream services. There is a pressing need to review and strengthen the housing and employment supports offered to refugees and asylum seekers, and ensure services offering tailored assistance are sufficiently resourced. This includes services that are specifically directed toward young people from refugee backgrounds.

**Fund services for asylum seekers and refugees on temporary visas**

In addition to adequately funding settlement services, it is imperative such services are accessible to asylum seekers and refugees living in the community on temporary visas. Such services should be offered on the basis of need, not according to a person’s visa status or their mode of arrival in Australia.

Asylum seekers and refugees on temporary visas have limited access to essential services such as the Adult Migrant English Program and mental health services, as well as appropriate employment assistance. Access to education, employment and housing support are also affected by policies that exclude asylum seekers and refugees on temporary visas. Is imperative these inequities in access are rectified.

**Adopt policies and practices that foster inclusion and belonging**

Australia has benefited enormously from the social, economic and spiritual contributions of refugees and migrants. We know people from refugee backgrounds have found success in all career fields. Unfortunately, some more recent political rhetoric has created the myth that recent waves of refugees do not contribute and, in particular, that refugees form certain countries or faith-
backgrounds are unable to ‘integrate’. The Society believes this myth is given greater credence within our community due to the Government’s punitive approach to immigration policy and its focus on cost-saving measures.

The Discussion Paper states a central consideration in designing the Humanitarian Program is ensuring entrants are “successfully integrated into our society” and participate “as quickly and as fully as possible in Australian society”. However, this must be a two-way process, and in terms of settlement outcomes and ‘successful integration’, the prevailing policy environment’s focus on cost-savings in the immigration portfolio and the social security system is counterproductive, undermining settlement outcomes and fostering social marginalisation and inequality.

For instance, the introduction of new residency requirements for the Age Pension and Disability Support Pension announced in the Federal Budget 2017-18 could adversely impact former refugees. The changes require claimants to have up to 15 years of continuous Australian residence to be eligible to receive payments. There are some exceptions to this: they may be able to claim pension payments after 10 years if they have never claimed income support, and if during at least five of these 10 years they were of working age (from 16 years of age to Age Pension age). Some former refugees will be particularly hard-hit by these requirements as most have, at some stage since their arrival, received income support. They should not be punished for accessing the social safety net, nor be made to fear applying for income support to the extent they become reliant on charities for survival.

Limiting former refugees’ access to important parts of the welfare system, for example, not only contributes to systemic disadvantage, but also reinforces their marginal status and the sense that they do not fully belong within the wider Australian community. Restricting access to pensions, for example, is not only fundamentally unfair and inequitable, but also has the potential to undermine settlement outcomes. Similarly, the announcement of new citizenship rules in April 2017 risks creating a group of refugees who are ‘second-class residents’, effectively excluded from the political community of the nation and the benefits and rights of citizenship. Research has found that people who have come to Australia as refugees typically value the security and sense of belonging associated with Australian citizenship more highly than any other group in the nation. Yet the proposed citizenship rules could actually hinder ‘successful integration’ if they are introduced because they impose additional hurdles and extended waiting periods, and may deter some refugees from applying. This is especially true for older refugees who do not speak English fluently, and who will face a stricter English language test and restrictions on the number of times they can re-sit the test.

Asylum seekers and refugees on temporary visas

While the Discussion Paper does not focus on asylum seekers and refugees on temporary visas, it is not possible to review and evaluate the Australia’s Refugee Program without acknowledging the unjust and inequitable policies toward this cohort.

Asylum seekers and refugees on temporary visas living in Australia are legally, politically and morally positioned as conditional citizens. Most of this cohort has, at some stage, been affected by the official policy of arbitrary and indefinite detention — a policy that the Society has consistently opposed. After eventually being released from detention, asylum seekers and refugees on temporary visas are granted few settlement services and even fewer rights.
The Society believes it is essential that asylum seekers in the community are able to apply for permanent protection rather than temporary protection visas. This will ensure emotional certainty among refugees, and encourage the practical ability to make life plans. Delays in decision-making can result in damage to mental health and self-confidence, and further isolation and marginalisation.

As noted above, the temporary visa status accorded to asylum seekers and refugees who arrived in Australia by boat restricts their access to settlement services, healthcare and programs accessible to refugees with permanent visas. Access to settlement services and other basic supports helps to create the sense of belonging that is crucial to successful integration into the host society. A successful resettlement experience is contingent on opportunities to develop language skills, secure employment, re-establish family relationships, access educational opportunities and secure affordable and appropriate housing. These opportunities are largely denied to asylum seekers in the community and refugees on temporary visas. This inequitable treatment is unjust and a barrier to resettlement that shapes many aspects of integration, from practical needs to the symbolic valuing of people’s past and present circumstances.

The Society believes that post-arrival, refugees and asylum seekers should have their refugee status determination resolved as speedily as possible and subject to an appropriate legislated timeframe. It should also be carried out in a just manner and with access to independent legal advice, free of political interference and subject to judicial oversight. People who cannot be returned to their country of origin because of fear for their safety or for reasons of statelessness should be accepted to live in the Australian community, ensuring Australia complies with its non-refoulement obligations.

Offshore detention and processing
While the Department’s Discussion Paper excludes the issue of offshore detention from its purview, Australia’s offshore detention policy is an important aspect of Australia’s approach to refugee protection and one that should be addressed. It also has a bearing on other aspects of the Humanitarian Program, such as family reunion options for refugees in Australia who have family members stranded in offshore processing centres.

The Society does not think Australia should discriminate on the basis of how people arrive in this country. As a member organisation of the Catholic Alliance for People Seeking Asylum (CAPSA), we strongly support the view that arbitrary or indefinite detention at any stage of the refugee determination process is unacceptable, particularly where children are involved.

The Society has called for the immediate cessation of Australia’s punitive offshore detention regime and for it to be replaced by a timely and sustainable regional approach based on compassion and fairness. As discussed above, regional cooperation is crucial if Australia is to meet its international obligations and restore fairness, integrity and sustainability to its overall refugee policy. Regional cooperation is of direct relevance to the structure and composition of the program, and yet the policies of offshore detention and deterrence undermine Australia’s leadership in this region.

Under international law, asylum seekers have the legal right to seek our protection. As of 28 February, 2017 there were 378 women, children and men detained on Nauru and 837 men detained on Manus Island, in addition to the 1,119 people in immigration detention on the mainland and 264 detained on Christmas Island. The mental suffering experienced by people in mandatory detention is well documented. Reports of forced deportations and, in the case of off-shore processing, a
severely flawed application process, serve to exacerbate people’s suffering unnecessarily. While the Society accepts there should be identity, health and security checks for asylum seekers, we oppose mandatory and indefinite detention, especially in isolated or offshore locations such as Christmas Island, Nauru or Manus Island. The safest thing to do is to immediately close off-shore detention facilities and bring those refugees and asylum seekers on Nauru and Manus Island to Australia.

**Family reunion matters**

The Society has been privileged to witness many family reunions and the healing power reuniting with loved ones provides people who have endured suffering and persecution in their homeland. We have also witnessed significant levels of stress and stood by people as they struggle for months and often years to navigate the application process and prohibitive legal, visa and other documentation costs of bringing family members to Australia. For many of those we support, family reunion is one of the most significant issues and has a profound impact on their well-being and their ability to settle in Australia.

Many of our frontline workers have reported the mental health concerns and level of need of those seeking assistance for family reunification has deepened, especially for refugees who arrived in Australia by boat but are not yet citizens. For this group of refugees, family reunification is virtually unattainable due to a Government directive that their applications are assigned the “lowest priority”. Denying these people the opportunity to reunite with family members is a cruel punishment and cannot be justified on any moral or legal grounds. As the Australian Human Rights Commission has ruled, the directive to assign the lowest priority to those who arrived by boat is arbitrary and breaches Australia’s human rights obligations under the International Covenant on Civil and Political Rights.

The Society understands that, for eligible refugees who arrived by boat, the prospects of family reunification have also been negatively affected by the continued delay in granting citizenship. For refugees who arrived by boat, obtaining citizenship is “virtually the only means through which a person who has arrived by boat can become eligible for family reunion”. However, as revealed by a recent Federal Court case, refugees are subjected to pronounced delays in the processing of their applications. The recent Federal Court case involved a complaint from two applicants who had been waiting for over 14 months to have their application decided, and it was revealed that 10,000 other people from refugee backgrounds were also experiencing lengthy delays in their applications. We urge the Government to follow the court ruling and process citizenship applications in accordance with the Federal Court Decision.

Other factors that impede family reunification include extensive processing delays and prohibitive or inflexible bureaucratic requirements. For example, applicants are required to declare all family members – and this declaration must accord with their situation when a visa is subsequently granted. There are reports that miscommunication and/or mistakes by the interviewing office at the point when people apply for their visa has resulted in people failing to declare all their family members, making the family reunion application process far tougher. As one of the Society’s members observed, families are unable to propose their adult children who are not in full-time study as they are not considered ‘dependent’. Some find they are excluded from the application process as they cannot obtain documentation for children born in exile; others are unable to proceed as family members in conflict areas are unable to undergo preliminary interviews and health checks. Many
also report that the definition of ‘immediate family’ is unduly narrow and ethnocentric, and does not reflect the family relations that exist within many refugee communities.

A member of the Vincentian Refugee Network who works directly with refugees provided the following feedback about the despair faced by this section of the community:

There are many instances of single men with official refugee status, who come to our Centre, who left their country of origin with the intention of finding a safe haven first and then bringing their families out to safety. Most of them are unable to do so, due to one or more of the problems listed above. It causes them great anguish, unhappiness and feelings of helplessness. They feel they have failed in their responsibility towards their families and usually suffer from chronic depression. They frequently send what little money they can spare from their Centrelink benefits back to their families, who are often living in limbo in a third country.

The Society agrees with the Refugee Council of Australia when it states family separation has a negative impact on settlement outcomes, depriving people of the “...social and emotional support critical to positive settlement outcomes”. We urge the Australian Government to ensure the processing of applications is timely, and that burdensome or unreasonable requirements are removed. To expand access to family reunification for people from refugee backgrounds, we also support the Refugee Council’s recommendations to create a dedicated humanitarian allocation of family visas within the program and to introduce needs-based concessions for people sponsoring relatives in humanitarian need.

Community Support Program

In principle, private sponsorship schemes for refugees can be a valuable means of expanding safe and legal protection pathways for refugees. However, from the Society’s perspective, there are a number of conditions that need to be met if such schemes are to genuinely increase Australia’s capacity to successfully resettle those most in need of refugee protection. First, private sponsorship of refugees should be an addition, not an alternative, to existing refugee places provided by the Government. Such schemes must not be adopted as a means of ‘privatising’ the humanitarian program, pushing costs that should be borne by government onto individuals or community organisations. Nor should such a program adopt a ‘fee-for-service’ model that is accessible only to well-resourced sponsors, precluding newer communities or forcing refugee families into financial difficulties in order to access the program. A private sponsorship model also requires oversight and safeguards to protect refugees who are dependent on their sponsors, and to ensure they are not excluded from necessary services and supports that are offered to other new arrivals. Finally, a private sponsorship program should not undermine the needs-based focus of the Humanitarian Program: access to resettlement should be determined, first and foremost, by level of vulnerability and protection needs.

Unfortunately, the recent Community Support Program announced by the Government does not meet these conditions. The Society was deeply disappointed to learn in the most recent Federal Budget that the 1,000 places allocated to the Community Support Program (CSP) will come from the humanitarian quota. We strongly recommend the CSP places be in addition to the places proposed under the Humanitarian Program, so the humanitarian intake is targeted towards those most in need of protection. The program has some merit when it comes to the reunification of families— itself a complex and fraught process for refugees — however, the Society has reservations about the expansion of the CSP in its current format.
The Society also holds grave concerns about the rationale behind the Government’s decision to expand the CSP, particularly its representation as a cost-savings measure in the budget. This decision sees costs shifted onto often desperate and vulnerable members of the community. It effectively means the government will be paying less toward resettlement as the service costs will be covered by sponsors. By adopting this approach, we believe the Government are eschewing its financial responsibilities and will ultimately force desperate people to effectively pay for their families’ lives.

The Society also echoes the concerns of the Refugee Council of Australia in regard to the exorbitant fees involved for CSP applications and visas, the lack of settlement support in case of family breakdown, and the prioritised processing of CSP applicants over others applying for family reunification under the offshore program, which was seen to benefit those who could afford the cost of accessing the scheme. In the context of growing inequality, the Government’s approach also has profound implications for the extent of poverty and the disparity between the wealthiest and the least wealthy among the refugee and wider Australian communities.
**Conclusion**

Australia’s response to asylum seekers should be one that is just and humane, and it must fulfil our human rights obligations domestically and internationally. While the unprecedented number of displaced peoples across the world presents an immense challenge, it also underscores the importance of international cooperation and responsibility sharing. For Australia, we believe that expanding our refugee resettlement program is essential if we are to meet our international responsibilities and support the international refugee protection system. However, as we have made clear in this submission, the Australian Government needs to embrace a wider range of measures and policy shifts if it is to restore integrity to our refugee program. We urge the Government to reverse discriminatory and inequitable policies and practices that work against our legal and moral obligations to asylum seekers and refugees. This includes breaking the numerical link between onshore and offshore refugee placements; strengthening regional cooperation; removing discriminatory factors when determining the composition of our refugee intake; and ensuring needs-based access to services and programs for refugees and asylum seekers in the community.

Finally, policies focusing on deterrence of asylum seekers, including mandatory and indefinite detention in off-shore centres, are a stain on Australia’s national character and continue to detract from the positive aspects of Australia’s Refugee Program. Our uncompromising refusal to accept our obligations toward people seeking asylum – and when far poorer nations have kept their borders open to accept far larger arrival numbers – is feeding the view that Australia has little genuine interest in international cooperation to tackle global displacement needs. A global crises demands global solidarity, not unilateral responses that shift our responsibilities onto less wealthy neighbours. Discriminating against people on the basis of how they arrive in Australia will not build the kind of country we all want. We envision an Australia that values fairness, equality, and respect for all of our human rights. We sincerely hope the Department of Immigration will take the opportunity to create generous and flexible policies to welcome people who have come to Australia seeking protection.
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