

18 March 2019

Australian Government
Department of Home Affairs

Via email: humanitarian.policy@homeaffairs.gov.au

Humanitarian Program 2019 – 2020 Discussion Paper

Australia's Humanitarian Intake 2019-20

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australia's culturally and linguistically diverse (CALD) communities and their organisations. FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to government and the broader community. FECCA strives to ensure that the needs and aspirations of Australians from cultural and linguistically diverse backgrounds are given proper recognition in public policy.

FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism so as to build a productive and culturally rich Australian society. FECCA's policies are developed around the concepts of empowerment and inclusion, and are formulated with the common good of all Australians in mind.

FECCA welcomes the invitation from the Department of Home Affairs to make a submission responding to the discussion paper on Australia's Humanitarian Intake 2019-20. We would welcome the opportunity to provide further comment and encourage you to contact the FECCA CEO, Mohammad Al-Khafaji at mohammad@fecca.org.au.

Key Message

FECCA believes we should be working towards the creation of a fair, sustainable and inclusive society for all new migrants but especially for those who arrive in Australia as part of the Humanitarian Program. FECCA supports a strong Humanitarian Program with a long term

vision that can foster practical opportunities for humanitarian entrants and that is supported by a network of Government services that understand and cater to their settlement needs.

FECCA wishes to emphasise the need to keep public and policy debates on refugees, humanitarian entrants and ethnic minorities informed, positive and non-discriminatory. FECCA encourages political leader and media to make strong commitments to protect vulnerable communities.

Recommendations

- **Australia should, wherever possible, increase its intake of refugees, displaced persons and asylum seekers through its humanitarian intake program.**
- **The Community Support Program (CSP) should be an addition to the core humanitarian intake, not included as part of the overall humanitarian intake.**
- **Australia should encourage and facilitate family reunion for humanitarian entrants, including through the expansion of the definition of ‘family’.**
- **Australia’s humanitarian intake should be non-discriminatory and based solely on needs and vulnerabilities.**
- **Australia should ensure increased settlement support for humanitarian entrants based on community needs.**
- **Australia should encourage and facilitate uptake of citizenship as soon as possible for permanent residents.**

Australia’s global commitment

Australia’s Humanitarian Program forms a significant part of Australia’s response to the global refugee crisis. FECCA encourages Australia to maintain its non-discriminatory humanitarian intake based on protection needs rather than on the basis of religion or other arbitrary criteria. The program should be offered to those in need, irrespective of age, gender, religion or other characteristics.

FECCA commends the Government on its commitment to increase the Humanitarian Intake Program from 16,250 in 2017-18 to 18,750 places for 2018-19¹ and beyond while stressing that the number could be higher to meet the increasing need for resettlement places worldwide. In 2019, the UNHCR estimates the ‘global resettlement needs to be close to 1.4 million persons’², a 17 per cent increase from 2018.

¹ See <https://www.dss.gov.au/settlement-services-programs-policy/syrian-iraqi-humanitarian-crisis>

² Resettlement is one of three durable solutions to the plight of refugees. The other permanent solutions are voluntary repatriation to the country of origin, and local integration in the country of asylum. See <https://www.unhcr.org/protection/resettlement/5b28a7df4/projected-global-resettlement-needs-2019.html>

As a member of the international community Australia must seek to comply with all its commitments under the Refugee Convention.

Community Support Program (CSP)

FECCA welcomes increases to Australia's Humanitarian Intake however would like to raise concerns about the Government's initiative of creating new pathways for refugees to resettle in Australia through the establishment of 1,000 places under the Community Support Program (CSP).

FECCA acknowledges the many positive aspects of the CSP such as providing an opportunity for families to be reunited and providing more flexible pathways to resettlement in Australia—as per Australia's international commitment to offer 'alternative pathways to protection'. By allowing individuals, communities or businesses to sponsor applicants for a humanitarian visa, the CSP is a unique opportunity for people in Australia to assist an individual in need to come to Australia and support them through their settlement journey.

FECCA is pleased to see that the number of Approved Proposing Organisations (APOs) covers a wide range of organisations.³ FECCA does however maintain that access to the program should be ensured for a broad range of applicants. For example, care should continue to be taken to ensure that rural and regional areas are not precluded from participation.

There are however, certain concerns with the program. Firstly, FECCA maintains that the allocated number of 1,000 places should not be included in the Offshore Humanitarian Program intake but should be calculated as an additional intake. If the allocated places of the CSP were recognised as being an addition to the core humanitarian stream, it would be clear that this program was to provide an opportunity for those with the capacity to make an independent contribution to dealing with the global refugee crisis and would not replace places allocated as part of the Australian government response. Further, by positioning the CSP as a revenue raising measure in the budget, as noted by RCOA⁴, FECCA again stresses that the CSP should be an addition to the humanitarian intake.

FECCA is also concerned that the criteria set for CSP entrants (good settlement prospects, aged between 18 and 50 years, and offer of employment and/or skills and attributes to enable them to be work-ready upon arrival in Australia) are too strict and exclude refugees who are vulnerable and in particular need of resettlement. The CSP must be non-discriminatory and respond to settlement needs and vulnerabilities of the refugee population.

Regional Settlement

FECCA supports the Government in its efforts to increase regional settlement and encourage humanitarian entrants to settle in rural areas. FECCA is however, concerned about the commitment by the Government to ensure access to the same level of services and opportunities in regional areas as in metropolitan areas. The Government must be aware of and understand that rural and regional locations present specific challenges.

³ <https://www.homeaffairs.gov.au/trav/refu/offs/community-support-program>

⁴ Refugee Council of Australia, The Community Support Program: Providing complementary pathways to protection or privatising the program, June 2017.

FECCA believes that adequate and appropriate resources must be devoted to assisting migrants and their families to build sustainable, prosperous and successful lives in regional areas beyond the initial settlement period (5 years).

FECCA also believes that there must be adequate investment in community organisations and local community leaders to help them continue to build social cohesion and to foster welcoming communities. This includes establishing new multicultural centres in rural and regional areas.

There must be easily accessible, funded and targeted English language programs for migrants and refugees in regional Australia as well as access to timely and appropriate language and translation services.

Finally, FECCA emphasises that humanitarian entrants must not be treated as a homogenous group. Entrants to Australia come from a variety of background and experiences and with a range of dreams and wishes for a secure future. FECCA stresses that the aspect of choice must be present for new migrants and humanitarian entrants with regards to regional settlement.

Family Reunion

The benefits of family reunification for refugees both as individuals, and to the community more broadly, cannot be underestimated:

It is a generally agreed fact that the family is the fundamental unit of society entitled to protection by society and the State. Following separation caused by forced displacement such as from persecution and war, family reunification is often the only way to ensure respect for a refugee's right to family unity. Separation of family members during forced displacement and flight can have devastating consequences on peoples' well-being and ability to rebuild their lives. At the moment of flight, persons are forced to leave often without ensuring or knowing if their families are safe. Once in safety, refugees are in many cases unaware of the whereabouts of their family. Others have to make difficult decisions about leaving their family behind to find safety in another country. The family however plays an essential role to help persons rebuild their lives and can provide critical support to adapt to new and challenging circumstances. Restoring families can also ease the sense of loss that accompanies many refugees who, in addition to family, have lost their country, network and life as they knew it.⁵

FECCA believes that family migration is integral to successful settlement of migrants in Australia, and also contributes to social cohesion and the wellbeing of the whole community. In the case of elderly parents, many volunteer at cultural, religious and community events and contribute to the maintaining of cultural and linguistic diversity. Parent visa holders are diverse in age, skills, and experience; these individuals contribute to the Australian community in many tangible and intangible ways.

⁵ UN High Commissioner for Refugees (UNHCR), *Refugee Family Reunification. UNHCR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union (Directive 2003/86/EC)*, February 2012, available at: <http://www.refworld.org/docid/4f55e1cf2.html> [accessed 21 May 2018], p. 3

The availability of family reunion is important for successful settlement. 'One of the stated aims of the Refugee and Humanitarian program is to reunite refugees and people in refugee-like situations with their family in Australia'.⁶ Restricting the number of people who can access permanent family reunion through the Refugee and Humanitarian program has already led to people finding other pathways to reunification which provide fewer opportunities to settle and integrate successfully into Australian society. With restricted pathways for families to enter Australia through the Humanitarian Program, FECCA believes that legitimate ways of seeking residence in Australia must be improved.

FECCA is concerned that there are the many barriers to family reunion for humanitarian entrants such as limitations of eligibility for family reunion, extensive waiting periods and prohibitively high costs. This cost can include airfares, migration agents, legal fees, assurance of support, and years of financial and material support once the family member arrives in Australia. The additional financial burden on families through high visa costs and assurances of support places family reunion out of the reach of many humanitarian entrants.

FECCA suggests that the government broaden its definition of 'family'. Currently the definition is unreasonably strict and covers only 'immediate family' such as one partner, a 'dependent child' or a parent if the applicant is less than 18 years of age. This definition is at odds with UNHCR's Resettlement Handbook, 'which promotes broad and flexible criteria for family reunion. UNHCR suggests that family reunion should extend beyond the nuclear family to encompass other dependent family members and relatives'.⁷

The strict definition of 'family' leads to increased delays and difficulties for family members not covered by the definition. For example, 'almost half (49%) of the humanitarian youth arrivals were in [this] 18 – 24 age group'.⁸ While an individual of 18 years old may be legally considered an independent adult, it is important to take into account the many challenges youth encounter before arrival in Australia. Many are likely to have 'experienced long-term insecurity, separation from family, exposure to violence and traumatic incidents, and associated physical and mental health issues prior to arrival in Australia, which continues to impact them upon arrival'. Further, [t]hey are also likely to have had limited access to protection, rights and services, including education, health, housing and employment in their country of origin and/or first country of asylum.⁹ MYAN notes how this 'can place additional pressure on family and community supports and may mean that the needs of this group of young people are particularly complex'.¹⁰ With increased difficulties to access family reunion and a limited definition, unaccompanied youth arriving in Australia will encounter added challenges.

Increased Settlement Support

FECCA was pleased with the 2018-19 budget indicating an additional \$5 million for community organisations assisting newly arrived migrants to integrate into Australian society through the

⁶ Sahar, Okhovat, Asher Hirsch, Khanh Hoang & Deborah Dowd, 'Rethinking Resettlement and Family Reunion in Australia', *Alternative Law Journal* 273, 42(4), 2017, p.2

⁷ Sahar, Okhovat, Asher Hirsch, Khanh Hoang & Deborah Dowd, 'Rethinking Resettlement and Family Reunion in Australia', *Alternative Law Journal* 273, 42(4), 2017

⁸ Multicultural Youth Advocacy Network (Australia), Youth Settlement Trends in Australia: A report on the data: 2016-2017

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¹⁰ Multicultural Youth Advocacy Network (Australia), Youth Settlement Trends in Australia: A report on the data: 2016-2017

Fostering Integration Grants Scheme. At the time, FECCA stressed that this additional funding should go to ethno-specific groups to ensure best possible outcomes particularly for communities where there are high numbers of refugees.

New and emerging communities, particularly those comprised of humanitarian entrants, often have limited established networks, limited support systems, community structures and resources upon which to build strong supports for their members.

FECCA calls for greater emphasis on supporting community leaders and groups to be able to assist their own communities in the settlement process. Stakeholders should interact with communities on issues impacting on them and the nature of help they need.

FECCA also encourages the government to be aware of the added barriers faced by many new arrivals to Australia; such as people arriving with a disability or with a family member with a disability, older refugees, and people arriving with a pre-existing mental illness.

Pathways to Citizenship

People arriving in Australia through the Humanitarian Program often come from countries impacted by war and conflict, and have experienced displaced lives, disrupted education and trauma. Access to citizenship in a new country means a safe place to resettle, belong and build a life for the future. Australia should maintain humanitarian visas as permanent residence visas which allow entrants to work, study and live indefinitely in Australia and which lead directly to citizenship.

Good settlement and integration outcomes are, as demonstrated by ample research, dependant on the ability to feel welcome, to contribute and to participate in the new society.¹¹ The ability to participate fully in Australian life is, however, dependent upon immigration status. The right to vote and influence how the financial contributions one makes to the country are distributed; the right to ease of travel; the right to serve your country in jobs reserved for citizens; and access to improved opportunities for education are important facets of integration.

The granting of Australian citizenship is a symbol of acceptance into the Australian community. It is cherished by all Australia's migrant communities and, for those arriving here as humanitarian refugees after years of flight and unsettled lives, provides much needed security and certainty. FECCA stresses that there should be no changes to either the waiting period or English language requirements for permanent residents to apply for Australian citizenship.

Waiting period

The Government has indicated numerous times that it will expand the waiting period before permanent residents can apply for Australian citizenship. A prolongation of the waiting period requirement will lead to a greater sense of exclusion for humanitarian entrants to Australia who are seeking the security of a long-term, safe home, and who, for the most part are eager to take up citizenship at the earliest moment possible. FECCA strongly argues that this will

¹¹ Centre for Multicultural Youth, *Active Citizenship, Participation and Belonging, Young people from migrant and refugee backgrounds in Victoria, 2014*; Correa-Velez, Ignacio and Gifford, Sandra and Barnett, Adrian G. (2010) *Longing to belong : social inclusion and wellbeing among youth with refugee backgrounds in the first three years in Melbourne, Australia. Social Science and Medicine, 71.* pp. 1399-1408; Wile, Janecke, Agency and belonging: Southern Sudanese Former Refugees' reflections on life in Australia, *Australasian Review of African Studies, 32* (2), 2011.

have a detrimental effect on community harmony, social cohesion and weaken the capacity of migrants to be empowered and integrated into Australian society.

FECCA believes Australian permanent residents should be encouraged to seek citizenship as soon as practically possible to foster a sense of inclusion and encourage integration. Citizenship is not only an offer of welcome by a host nation; it is also an expression of commitment by an arriving migrant and a compact between the two. Anything which delays or deters this should be resisted.

Language requirements

FECCA believes that the requirement for citizenship of a specific high level of English language proficiency, separately tested, is discriminatory and exclusionary. FECCA acknowledges that developing English language capacity is an important part of settlement. However, language learning is a lifetime journey and throughout Australia's history, extraordinary contributions have been made by those who may not have achieved a high level of English language proficiency.

Any increase to the English language requirement for citizenship eligibility will have a disproportionately negative effect on women and more vulnerable migrants. Several studies have demonstrated the effect of trauma on adults learning English.¹² This is particularly prescient for humanitarian entrants. A study of one cohort of refugees in Australia indicated the presence of Post-Traumatic Stress Disorder in more than 90% of that cohort and detailed the negative effects upon learning.¹³ Interruptions to education as a result of moving frequently because of unstable security situations or missing school to work in times of economic hardship mean that some migrants and refugees may have low levels of literacy in their own languages making the study of English a particular challenge.

Women face additional barriers to education, as they are disproportionately burdened with caring and domestic responsibilities. To prevent applicants who have entered Australia as humanitarian entrants from becoming citizens because they experience difficulties with language is to effectively penalise them because of their traumatic experiences.

FECCA believes the English Program for Humanitarian Entrants must be enhanced to reflect the diversity among the humanitarian entrants, such as the level of English language proficiency upon arrival, educational background, cultural background and added challenges such as disrupted education, disability and psychological trauma caused by circumstances and experiences prior to their arrival in Australia. FECCA's consultations with communities have demonstrated that the number of hours and modes of delivery provided through the English Language Program for Humanitarian Entrants are often not adequate for individuals to achieve an appropriate level of English language proficiency due to the abovementioned challenges. If citizenship eligibility becomes tied to high level of English language proficiency there would be considerable effort to ensure that Humanitarian entrants and migrants with a refugee background are comprehensively supported to achieve the required English language proficiency.

The English program available for humanitarian entrants must take into account the specific needs of refugees and migrants such as transportation, childcare, employment and the fact

¹² Gordon, D. Trauma and Second Language Learning among Laotian Refugees *Journal of Southeast Asian American Education and Advancement*: 6(13). 2011

¹³ Stevens, A. Perspectives on the Meanings of Symptoms among Cambodian Refugees *Journal of Sociology* 37(1):81-98 2001

that while the structured classroom learning may suit many of the humanitarian entrants, others may feel more comfortable in a community based learning situation.

Informed debate on refugees and humanitarian issues

The 2017 Scanlon Foundation report highlighted that, in spite of high levels of support for Australian multiculturalism, there has been an increase in reported experiences of discrimination because of skin colour, ethnic origin or religion—rising from 15% in 2015 to 20% in 2016 and 2017. The recent report showed that ‘those of a non-English speaking background reported the highest experience of discrimination, 34%, compared to 15% of those born in Australia and 22% of those born overseas in English speaking countries.’¹⁴

FECCA encourages an informed, positive and non-discriminatory debate on refugees and humanitarian entrants to counteract negative reactions to the humanitarian intake and to facilitate a smooth settlement process for people arriving in Australia. All efforts should be made to ensure that humanitarian entrants get to tell their stories, rather than position them as problematic statistics. It is Australia’s responsibility to make sure the realities of refugees are well-known, including their resilience and strength as well as their ability to contribute to Australia both economically and socially.

¹⁴ Markus, Professor Andrew (2017) Mapping Social Cohesion The Scanlon Foundation surveys