

**COUNTRY  
CHAPTER**

**AUL**

# **AUSTRALIA**

**BY THE GOVERNMENT OF AUSTRALIA**

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## Australia 2012 Overview

Resettlement programme since: <b>1977</b>	Selection Missions: <b>Yes</b>	Dossier Submissions: <b>No</b>
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**Resettlement Admission Targets for 2012-2013:** program year runs from 1 July -30 June

Admission targets for <b>UNHCR submissions:</b>	<b>12,000 places</b>
Total Resettlement Admission Target:	<b>12, 500 places</b>

**Refugee Visa Grants by Region for 2012-2013:** program ends on 30 June 2013

Africa	<b>1150</b>
Asia and Pacific:	<b>6001</b> (based on UNHCR regions, hence includes grants to Afghans in Pakistan and Iran)
Middle East and North Africa	<b>4830</b> (based on UNHCR regions hence includes grants made in Cairo)
Others	<b>19</b>

**Sub-quota features:**

<b>Designated sub-quota/acceptance for:</b>	<b>2013 Description, additional comments:</b>
Emergency resettlement procedures	Emergency Rescue Category- a visa subclass under the Refugee Category.
Medical cases	No specific quota- each humanitarian application assessed on a case by case basis including those with medical conditions.
Women-at-risk cases	Annual allocation of 12% of the Refugee category.
Unaccompanied children	No specific allocation-assessed case by case.
Family Reunion (within programme)	Provisions for family reunification are met under the 'Special Humanitarian Program' (SHP). This category has a shared allocation with the Onshore Protection (asylum) category. In addition, provision for immediate family of refugee category entrants to be granted visas under the refugee category.

## 1. Resettlement Policy

### 1.1 Description of Australia's resettlement policy

Australia is committed to sharing responsibility with other countries for protecting and finding orderly resolutions for refugees and others in humanitarian need. Australia supports the United Nations High Commissioner for Refugees (UNHCR) as the international body responsible for this process, and UNHCR's three durable solutions of voluntary repatriation, local integration and resettlement. To assist in promoting the first two durable solutions, in addition to its onshore/asylum program, Australia provides overseas aid to improve conditions in refugee producing countries and to increase the capacity of countries of first asylum to host refugees. Australia also operates a Humanitarian Program which provides resettlement places and is designed to ensure that Australia can respond effectively to global humanitarian situations and that support services are available to meet the specific needs of these entrants.

The Humanitarian Program has two components:

- The **onshore** (asylum or protection) component offers protection to people in Australia who meet the refugee definition in the United Nations Refugees Convention.
- The **offshore** (resettlement) component offers resettlement for people outside Australia who cannot be repatriated or locally integrated and are in need of humanitarian assistance.

Around 800,000 refugees and others of humanitarian concern have been settled in Australia since the end of World War II.

## 1.2 Ministries and Departments responsible for resettlement policy

The **Humanitarian Program** is administered by the **Department of Immigration and Citizenship (DIAC)**. Certain elements of resettlement processing are undertaken by other government agencies. Security assessments, for example, are undertaken by the relevant security checking agency.

## 1.3 Process for deciding the annual resettlement quota and its composition

Australia's Humanitarian Program follows the financial year 1 July to 30 June. Each year, the Australian Government decides the size and regional composition of the program, taking into consideration: advice from UNHCR on global resettlement need and priorities; Australia's capacity to provide comprehensive settlement support services; and the evolving humanitarian situations and changes to the global need for resettlement.

The government also has a comprehensive consultation process with peak refugee and humanitarian bodies, state, territory and local governments, other Australian Government departments, and the general public to inform decisions about the size and composition of the program.

## 2. Criteria for Recognition of Refugee Status Eligibility: Asylum and Resettlement

The national legislative framework for defining refugee status for asylum seekers (the onshore component) and the criteria for accepting refugees and other humanitarian entrants (under Australia's offshore resettlement program) is underpinned by the **Migration Act 1958** and the **1994 Migration Regulations**.

The **onshore** (or protection) component of the **Humanitarian Program** enables people seeking asylum in Australia to have their claims for protection assessed. Asylum seekers who are found to be in need of protection under the Refugee Convention and who meet health and character requirements are granted a permanent Protection visa.

The **offshore** component of the Humanitarian Program reflects Australia's commitment to the system of international protection. The offshore refugee resettlement program goes beyond Australia's international obligations and reflects the desire of Australians to assist those in humanitarian need.

The offshore component has two categories. The **Refugee category** is for people who are subject to persecution in their home country and who are in need of resettlement. The majority of applicants who are considered under this category are identified by UNHCR and referred by UNHCR to Australia. The Refugee category includes the following visa sub classes: Refugee, In-country Special Humanitarian, Emergency Rescue and Woman at Risk.

The **Special Humanitarian Program (SHP)** is for people outside their home country who are subject to substantial discrimination amounting to gross violation of human rights in their home country. A proposer, who is an Australian citizen, permanent resident or eligible

New Zealand citizen, or an organization that is based in Australia, must support applications for entry under the SHP. Whilst SHP applicants are not referred by UNHCR, they may be registered with them and be otherwise a priority for resettlement in their own right.

Both the Refugee category and the SHP provide for the grant of permanent residence visas, and each provides the same access to future naturalization. It should be noted that there are some differences in government-funded settlement support between the categories.

### 3. Criteria for Resettlement

As well as meeting the threshold criteria of persecution or substantial discrimination described above, applicants for resettlement to Australia must satisfy the decision-maker that there are compelling reasons for giving special consideration to granting them a visa. This includes balancing various factors such as:

- the degree of persecution or discrimination the applicants are subject to in their home country (such as individual discrimination or other physical harm);
- the extent of an applicant's connection to Australia;
- Australia's capacity to provide for resettlement of the applicant; and
- whether resettlement is the most appropriate option for the applicant (resettlement is generally intended to assist people who are under threat within a country of first asylum and who have no prospects of return to their country of origin).

All applicants for humanitarian visas must meet prescribed legislative criteria which include public interest criteria intended to safeguard the Australian community's health, access to health services, safety and national security. In some circumstances health requirements may be waived (see section 11).

Applications may be refused on character grounds where there is evidence of criminal conduct on the applicant's part or the applicant represents a threat or danger to the Australian community.

### 4. Resettlement Allocations/Processing Priorities

#### 4.1 Resettlement allocations including sub-quotas

Decisions on the size, composition and regional focus of the Humanitarian Program are made by the Australian Government each year. This decision takes into account UNHCR's assessment of global resettlement needs, the views of individuals and organizations in Australia, and Australia's capacity to assist.

The Australian Program year is from June to July. In 2012-13, Australia increased its refugee resettlement intake to 12 000 persons. This has doubled our refugee intake over the previous Program year. Importantly, this is also the largest number of refugees resettled in Australia in close to 30 years. The offshore program will continue to resettle persons from the priority regions of Africa, the Middle East and Asia (including South West Asia).

#### 4.2 Processing priorities

Priority caseloads for the offshore component of the Humanitarian Program are emergency rescue cases, woman at risk and cases referred by UNHCR. Since 1989, 10.5 percent of the Refugee category allocation had been set aside for women at risk in recognition of the priority given by UNHCR to vulnerable women and children. In 2009 the Government decided that this allocation would increase to 12 percent of the Refugee category.

Australia continues to give priority to some protracted caseloads, including through multi-year resettlement commitments.

## 5. Submission and Processing via Dossier Selection

Australia does **not** process applications for resettlement by dossier selection.

## 6. Submissions and Processing via In Country Selection

### 6.1 Case Documentation

#### Refugees

Refugee applications must be made on the prescribed form (form 842 *Application for an Offshore Humanitarian Visa*), available from Australian overseas missions and from the DIAC Internet site at [www.immi.gov.au](http://www.immi.gov.au).

#### SHP

In addition to form 842 (*Application for an Offshore Humanitarian Visa*) applications for an SHP visa must be proposed by an Australian citizen or permanent resident, an eligible New Zealand citizen or an organisation operating in Australia in accordance with form 681 (*Refugee and Special Humanitarian Proposal*).

#### Supporting documents required for an offshore humanitarian visa

Australian Government officers in overseas missions who process humanitarian applications assess each application on a case by case basis taking into consideration the specific circumstances of each application. Applicants are expected to provide as much documentation as possible at the time of application to assist in identity verification.

- 1) Eight (8) recent passport size photographs of each person included in form 841 must accompany the application, with the full name of the person written on the back of each photograph.
- 2) Evidence of the identity of each person included in the application (e.g. certified\* copies of birth certificates, marriage certificates, passport, national identity card etc.), if available.
- 3) Certified\* copies of previous marriage/divorce papers, or death certificates (if applicable).
- 4) Certified\* copies of child custody papers (if applicable).
- 5) Certified copies of adoption papers or a written statement which explains the circumstances of any adopted child included in the application (if applicable).
- 6) Evidence of registration with any international organisation dealing with refugees (e.g. UNHCR), if applicable.
- 7) Certified\* copies of travel documents and/or identity cards held by any person included in this application (if available). A statement explaining why you have no travel/identity documents.
- 8) Certified\* copies of any visas/residence permits held by any person included in this application (if available).
- 9) A detailed written statement (in English), clearly explaining the reasons why you left the country you fear returning to.
- 10) Certified\* copies of any discharge papers (if available).

*\*Outside Australia, copies of documents must be certified by a person who is the equivalent of a Justice of the Peace or Commissioner for Declarations in the country where the documents are being certified.*

There is no application or processing fee for humanitarian applications. Eight passport-sized photographs of the applicant and immediate family members must be included and submitted with the application.

Personal documents, such as birth, marriage and death certificates and educational documentation if available, should also be provided at any time before their application is decided.

## 6.2 Routing of Submissions

Applications are received and processed in a variety of ways either directly from applicants or by referral from UNHCR or NGOs. This will depend on the local arrangements in place. Under Australian immigration law, the application form is required in addition to the UNHCR documentation.

**Refugee applications must be lodged outside Australia** at an Australian diplomatic or trade mission. Please see section 7 for processes relating to Emergency Cases/Urgent Cases. However, most SHP applications including those from people in Africa, the Middle East and South West Asian regions must be lodged in Australia, along with the proposal form. Information is available from the DIAC Internet site at <http://www.immi.gov.au/visas/humanitarian/offshore/202/how-to-apply.htm>

Processing of applications for resettlement takes place at designated Australian missions around the world.

For the **SHP applications lodged in Australia**, initial processing is done in Australia at an Offshore Humanitarian Processing Centre. The application is either refused for not meeting the criteria or forwarded to the relevant overseas post for further consideration, interview and decision.

## 6.3 Decision-making process

Applications are considered on a case-by-case basis against the criteria set down in the *Migration Regulations 1994*. Those applications that are prima facie eligible are interviewed to explore applicants' claims and to verify family composition. Unsuccessful applicants receive a letter that indicates the criteria that were not met.

## 6.4 Recourse processing

There is no provision for merits review of decisions to refuse offshore Refugee and Humanitarian visa applications. Refused applicants may, however, reapply at any time.

## 6.5 Processing times

Processing times and visa grant times vary from region to region. In 2009-10 the average processing time for refugee visas from application registration to the grant of a visa was 50 weeks and the average processing time for the grant of a Special Humanitarian Program visas was 65 weeks.

Emergency Rescue cases referred by UNHCR are given greatest processing priority (see below).

# 7. Emergency Cases/Urgent Cases

The **Emergency Rescue visa** is a visa subclass of the Refugee and Humanitarian visa class. It is used for applicants who are subject to persecution in their home country (whether living there or elsewhere), have urgent and compelling reasons to travel to Australia and face an immediate threat to their life or personal security. A small number of Emergency Rescue cases are referred to Australia each year through UNHCR's Regional Office in Canberra.

Emergency Rescue cases are given highest processing priority of all applications for resettlement. The Department aims to decide whether to accept an application within two days of receiving the Resettlement Registration Form (RRF) from UNHCR. Once an application is accepted, the Department aims to evacuate the successful applicant within three days of the decision to accept, pending health, character and national security checks. The speed with which health checks can be undertaken will vary depending on where the applicant is located.

All applicants for permanent entry must meet the health, character and national security requirements before visa grant. Due to the urgency of subclass 203 applications, a flexible approach may be required in arranging health checks and the procedures will vary according to the circumstances of each case. This will be determined by the Department in consultation with the UNHCR office responsible for the cases.

## 8. Special Categories/Special Needs

### 8.1 Refugees with Medical Needs

There are no special provisions for the resettlement of refugees with medical needs. The Humanitarian Program does not exclude anyone automatically on the basis of a medical condition (apart from active tuberculosis). However, every applicant must also meet legislated health requirements relating to public safety and undue cost, unless a decision is made to waive them (see section 9).

### 8.2 Survivors of Violence and Torture

Australia gives priority consideration to survivors of violence and torture referred by UNHCR for resettlement. Specialized counseling and medical services and English classes for survivors of torture and trauma are among the settlement services available to Humanitarian Program entrants (see section 13).

### 8.3 Woman at Risk

The Woman-at-Risk program, a sub-category of the Refugee category is for female applicants who are subject to persecution or registered as being of concern to UNHCR. They must also be living outside their home country; not have the protection of a male relative; and be in danger of victimisation, harassment or serious abuse because of their gender. From 1 July 2009, the Australian Government increased the allocation of woman at risk places to 12% of the Refugee category, and Australia continues to allocate 12 per cent of its refugee resettlement places to women at risk. Australia has again exceeded this target and will resettle more than 1525 vulnerable women and their dependants under these provisions in 2012-13. This is Australia's largest intake of women at risk since the inception of these arrangements in 1989.

### 8.4 Children

Children applying under the Humanitarian Program for entry to Australia, as unaccompanied minors, are required to meet the same criteria as other applicants, including the criterion that permanent settlement in Australia is the most appropriate durable solution. Decision-makers must be satisfied that the grant of the visa to the child would not prejudice the rights and interests of any other person who has custody or guardianship of, or access to, the child.

Unaccompanied minors without relatives over the age of 21 to care for them in Australia become wards of the Minister for Immigration and Citizenship under the provisions of the *Immigration (Guardianship of Children) Act 1946*. State Government welfare agencies are responsible for their care and case management. Assistance is available until the child reaches 18 years of age, becomes an Australian citizen or otherwise ceases to be an unaccompanied minor.

## 8.5 Elderly

There are no special provisions for the resettlement of elderly refugees. They are assessed on the basis of their claims and if they meet the criteria they may be granted a visa for resettlement.

# 9. Medical Requirements

## 9.1 Screening procedures

Applicants for resettlement, like all applicants for permanent visas, must meet health criteria. Australian visa applicants undergo health testing by Australian approved doctors in various locations. The health criteria require applicants to be free from active tuberculosis and any disease or condition that is a risk to public health and safety. Some applicants (those with active tuberculosis, for example) must undergo specialist treatment before their visa is granted. Permanent visa applicants over 15 are required to undergo an HIV/AIDS test.

Medical examinations and x-rays are conducted by qualified doctors and radiologists from the overseas panel doctor network approved by the Department of Immigration and Citizenship. The Australian Government meets the cost of health assessment of applicants for Refugee and SHP category visas.

## 9.2 Health criteria and exclusion factors

Applicants may not meet health criteria if they have a medical condition that is likely to result in a significant cost to health care and community services or prejudice access to health care or community services by Australian nationals. Where a refugee or humanitarian visa applicant does not meet the health requirement, there is a provision in the Migration Regulations to waive the health requirement. Exercise of the waiver is considered on a case by case basis.

## 9.3 Recourse and waivers

All applicants for an offshore humanitarian visa (that is, visa subclasses 200 to 204) must be considered for a discretionary waiver of the health requirement if they fail to meet the health requirement on health cost or prejudice to access grounds.

If after taking into account all relevant factors, the processing officer is satisfied that granting a visa would not be likely to result in "undue" costs or prejudice to access by Australian citizens or permanent residents to medical and support services, a health waiver may be exercised

In considering whether the granting of a humanitarian visa would be likely to result in undue cost or prejudice to access, a number of factors are taken into account, including the circumstances of the applicant.

In particular, the following factors will be given significant weight:

- Whether the applicant is likely to be able to mitigate the costs/prejudice to access;
- The applicant's family links to Australia;
- The whereabouts of any close family members not included in their application;
- Whether the case has been referred by the UNHCR; and
- Whether the applicant is in a particularly vulnerable situation (for example, "woman at risk" or survivors of torture and trauma).

'Health waiver' provisions only apply after an applicant has undertaken the health check and failed the health requirement. Australia routinely accepts applicants with health conditions for resettlement.



#### 9.4 Pre-departure Medical Screening (PDMS) and treatment

PDMS is a health check undertaken within 72 hours of departure for refugee and humanitarian visa holders, primarily to ensure that they are healthy enough to undertake the long flights to Australia ('fit to fly'). PDMS is in addition to mandatory health checks completed prior to the grant of a visa (See 9.1 -9.3).

Depending on the location, standard mandatory health checks may involve:

- a physical examination;
- tuberculosis (TB) evaluation for people with a history of TB;
- malaria and parasites testing and treatment;
- measles, mumps and rubella (MMR) immunisations for people aged nine months – 30 years; and
- an HIV/AIDS test for people 15 or more years of age.

PDMS protects the health of refugees by ensuring they are 'fit to fly' and by providing referrals to healthcare services they need once they arrive in Australia. It also contributes to maintaining the high level of public health enjoyed by the Australian community.

If the visa holder is given a clean bill of health at the PDMS health check, travel to Australia is undertaken as planned. If any problems are identified through the health check the client may be assisted in a number of ways:

- immediate treatment until they are 'fit to fly';
- follow up treatment arranged for them once they arrive in Australia.

If travel is delayed in order to complete required medical treatments identified, then new arrangements for travel will be made. The department will cover any costs associated with overseas treatment for conditions identified.

In some cases, for a visa holder with special health needs, a medical escort may be provided to accompany them during their travel to Australia. The department's settlement support service providers are on hand in Australia to assist new arrivals with any special needs, including health needs.

### 10. Orientation (pre-departure)

The Australian Cultural Orientation (AUSCO) program is provided to refugee and SHP visa holders who are preparing to travel to Australia. It was introduced in 2003 and is provided in Africa, South Asia, South East Asia, the Middle East regions and other areas as required. AUSCO is designed to provide an initial introduction to important aspects of Australian life. It represents the beginning of the settlement process and aims to prepare participants to travel and to provide participants with the necessary knowledge and skills to enhance their settlement prospects and create realistic expectations for life in Australia.

The program is voluntary. It is available to all refugee and special humanitarian entrants over five years of age. The course is tailored for delivery to four separate groups - adults, children, pre-literate people and youth. A special Family Day session, which includes all family members, is held as required.

The courses are delivered over five days to ensure that topics are covered in sufficient detail. Topics include: an overview of Australia including its government, geography and climate; cultural adjustment; travel to Australia; and settling in, health care; education; finding a job; housing, transport, Australian law and money management. DIAC regularly reviews the curricula to ensure meets the needs of clients in each location.

International Organisation for Migration (IOM) delivers the courses on behalf of DIAC.

On arrival in Australia, Refugee and Humanitarian visa holders entrants have access to settlement services. This assistance helps link entrants to the local services they need in the initial stages of settlement (see 13. Domestic Settlement and Community Services).

## 11. Travel

Successful applicants are granted a visa for entry to Australia. For entrants who hold a Refugee visa the Australian Government pays the travel costs.

For entrants who hold a Special Humanitarian Program visa the proposer or the applicant must pay for their travel to Australia. Assistance may be available under the International Organization for Migration (IOM) Refugee Travel Loan Fund. IOM has modified its lending conditions to ensure the scheme is as effective as possible so that a significantly greater number of visa holders can be assisted.

See: International Organization for Migration (IOM) > Refugee Travel Loan Fund <http://www.iomaustralia.org/projects.html>

Persons granted visas under the offshore component of the Refugee and Humanitarian Program are issued with a Document for Travel to Australia (DFTTA). The DFTTA is an important document that is valid for travel and entry to Australia once only.

## 12. Status on Arrival and the Path to Citizenship

### 12.1 Immigration status on arrival

Refugee and humanitarian entrants to Australia have permanent residency upon arrival in Australia.

### 12.2 Documentation issued, including travel documents

Persons granted a refugee visa, intending to undertake temporary international travel after they arrive in Australia (prior to being granted Australian citizenship) and who do not possess or are unable to obtain a passport issued by their country of origin, will need to obtain a travel document from the Department of Foreign Affairs and Trade.

Persons issued with a refugee visa, on establishing proof of identity, can apply for a Convention Travel Document (CTD), also known as a Titre de Voyage.

Other humanitarian entrants may apply for a Certificate of Identity (COI) under the following circumstances; if there is a serious threat to the applicant's wellbeing if they were to approach their own government for a passport; the applicant's country of origin is newly created or the government or a travel document is not recognised by Australia (e.g. Somalia).

### 12.3 Documents issued to children born after arrival but before naturalization of their parents

A child born in Australia, with one or both parents with permanent resident status, at time of birth automatically becomes an Australian citizen.

### 12.4 Details on the requirements, costs and timelines for citizenship

Refugee and humanitarian entrants, who are 18 years and over and have lived in Australia for 4 years may apply for citizenship.

Information about eligibility for Australian Citizenship can be found at [www.citizenship.gov.au](http://www.citizenship.gov.au).

## 13. Domestic Settlement and Community Services

Government assistance is designed to help new arrivals who are most in need to settle into their local community and establish new lives in Australia. Humanitarian entrants are the highest priority for government-funded settlement services because of their special needs and circumstances.

Most skilled migrants and family migrants will undertake their own research about settling in Australia and will generally be able to settle into the community without needing a high level of specialised support. They will generally use mainstream services provided by governments, community organisations and the private sector to address their settlement needs. Some may need additional assistance due to low English proficiency.

### 13.1 Actors

DIAC is the federal government agency with responsibility for settlement services. Federal, state and local government agencies, non-government organisations and community groups are all involved in the delivery and provision of services. In the past services have been delivered under the Integrated Humanitarian Settlement Strategy (IHSS) by service providers contracted to DIAC. Volunteer groups also work with service providers to support entrants and assist them to settle into the local community.

### 13.2 The Humanitarian Settlement Services (HSS) (replaces the Integrated Humanitarian Settlement Services (IHSS))

The Humanitarian Settlement Strategy (HSS) has recently replaced the Integrated Humanitarian Settlement Services (IHSS). The new arrangements provide intensive settlement support through a coordinated case management approach to newly-arrived humanitarian clients on arrival and throughout their initial settlement period. The HSS will be delivered in 24 contract regions across Australia

Key features of the HSS program include:

- a flexible client-centred approach, focusing on individual settlement needs
- greater focus on the particular needs of young people
- a new comprehensive onshore orientation program which builds on the messages delivered through the offshore cultural orientation program, AUSCO, and delivers competency-based outcomes to clients
- flexible and innovative approaches for the provision of accommodation services

### 13.3 Assistance offered by Government funded settlement services

The Australian Government provides services which are designed and administered in ways which provide humanitarian entrants with the assistance they need to start building a life in Australia. These services provide initial, intensive settlement assistance for humanitarian entrants for up to 12 months after arrival. Further assistance, beyond the initial settlement support, is provided for some categories of cases (see 13.6).

Humanitarian entrant needs are assessed and addressed through an integrated case management approach. The services focus on equipping entrants to gain access to mainstream services. Humanitarian entrants can access the following services under the HSS.

#### Case coordination, information and referrals

This includes a case coordination plan based on an initial needs assessment, information about, and referral to, other service providers and mainstream agencies, and help for proposers to fulfil their role of assisting SHP entrants.

This includes meeting eligible entrants on arrival, taking them to accommodation, providing initial orientation and meeting any emergency needs for medical attention or clothing and footwear.

**Accommodation services**

These services help entrants to find appropriate and affordable long term accommodation and provide basic household goods to establish their own home in Australia.

**Torture and trauma counselling services**

These services provide entrants with an assessment of their needs, a case plan and referral for torture and trauma counseling and raise awareness among other health care providers.

**13.4 Assistance to SHP entrants and proposers**

Applications for SHP visas must be supported by a proposer. Proposers are required to take responsibility for some areas of initial settlement support, including funding airfares and meeting on arrival. Persons or organizations undertaking the role of proposer are assisted to understand their obligations and to respond to the needs of their entrants. This support includes information and guidance on how to assist the entrant to settle in Australia, gain access to available services and obtain further assistance if required after the entrant's arrival.

It is intended that SHP entrants have the support of a proposer to assist them with their settlement needs. However, in some cases, a proposer's ability to support their SHP entrant may be limited and the service provider may decide to provide some HSS services or in some cases the full suite of HSS services to the entrant.

**13.5 Location**

Most new arrivals to Australia will choose their settlement location independently. Skilled migrants generally settle where they can take advantage of employment opportunities, and family stream entrants usually settle near their family members.

The settlement location of humanitarian entrants is determined by a number of factors, particularly whether or not the entrant has family or friends (known as 'links') already living in Australia. All SHP entrants are proposed by a link in Australia. These entrants generally settle near their proposers as they provide settlement assistance and valuable social support. About 40 per cent of refugee entrants have links already residing in Australia. The department endeavours to identify the location of these links before refugees travel to Australia so that they can be settled near the link.

For the entrants without any links (known as 'unlinked' refugees), the department considers a range of factors when deciding on a suitable settlement location. These include the specific needs of the entrant, such as health requirements, the capacity of the receiving location to address those needs and the community's ability to provide a welcoming and supportive environment.

**13.6 Other settlement services****Complex Case Support**

The Complex Case Support (CCS) program delivers specialised and intensive case management services to recently arrived humanitarian entrants who have a multiplicity of high support needs, which are beyond the scope of other settlement services. The client needs can include significant mental and physical health conditions, crisis events after arrival and very low life skills that present significant barriers to successful settlement. This program has been operating since October 2008 and has assisted the small proportion of humanitarian entrants (less than 3 percent) who require a particularly high level of intensive support to build a new life in Australia and participate effectively in community life.

## Settlement Grants Program

The Settlement Grants Program (SGP) provides funding to organisations such as Migrant Resource Centres to assist humanitarian entrants and other migrants settle in Australia and participate equitably in Australian society as soon as possible after arrival. The SGP is targeted to meet the settlement needs of recently arrived skilled migrants in rural or regional areas, with low levels of English proficiency. The SGP funds organisations to implement projects that assist new arrivals to orient themselves to their new community, help new communities to develop and promote social participation.

Projects under the SGP include:

### Generalist services

- Orientation to Australia
- Participation in Australian Society

#### Orientation to Australia

Orientation services promote self-reliance in individuals and families through the development of knowledge, life skills and familiarity with Australian norms and ways of life (cultural, social and legal). Orientation activities aim to equip clients with the life skills and information they need to operate independently and access mainstream services and opportunities. Projects may take the form of casework, provision of information, referral to appropriate agencies teaching life skills.

#### Participation in Australian society

Participation in Australian society activities are aimed at encouraging opportunities for new clients eligible for settlement services to be part of the broader Australian Community. Activities provide opportunities for clients to experience aspects of Australian society and are aimed at encouraging collaboration between mainstream Australian communities and government organisations to enable better settlement outcomes. This is a two way process: assisting new arrivals to interact with and understand the broader community and encouraging the broader community to be responsive to new arrivals.

### Specialist services

The SGP also funds a number of Specialist services to provide targeted assistance in areas of high need and where there is no other service provider or program in the area.

Examples of specialist services are:

- Immigration assistance
- Housing Assistance
- Ethno-specific - capacity building for newly-arrived communities.

## 13.7 Translating and interpreting service

**Translating and Interpreting Services (TIS) National** provides an important safety-net for people facing language barriers to participation in the community. TIS provides a national, 24 hours a day, seven days a week, telephone and on-site interpreting service for non-English speakers and English speakers who need to communicate with them as well as priority lines for emergency services and medical practitioners. TIS interpreting services are available on a free or user-pays basis, depending on circumstances, for both the public and private sectors. Free interpreting services have recently been expanded to pharmacies for the purpose of dispensing medications.

DIAC provides eligible clients with free extract translations into English of certain personal documents necessary for their settlement in Australia. During their first two years of residence in Australia, eligible migrants and returning citizens can lodge a request for translation.

### 13.8 Language training

Learning English is one of the first and most important steps new migrants can take towards settling successfully in Australia and achieving their goals. The **Adult Migrant English Program (AMEP)**, which is administered by DIAC, provides eligible adult migrants with basic English language tuition to assist them with everyday social situations and some work situations.

Through the AMEP, eligible migrants can learn English for up to 510 hours, or until they reach functional English, whichever comes first. Humanitarian entrants who have had limited formal schooling, or who have had difficult pre-migration experiences such as torture or trauma, may be able to access additional English tuition. Further information about the AMEP can be found at [www.immi.gov.au/amep](http://www.immi.gov.au/amep).

The Department of Education, Employment and Workplace Relations (DEEWR) and State/Territory Governments also administer targeted English language programs. DEEWR has two employment related English language programs for adults and provides intensive English language tuition to eligible newly-arrived students through the **English as a Second Language – New Arrivals (ESL-NA)** program.

#### Education

Humanitarian Program entrants have access to the same educational services as Australian permanent residents in general. Schooling is compulsory in Australia to the age of 15 years and free primary and secondary education is available.

### 13.10 Employment related training

Through the Adult Migrant English Program's Employment Pathways Program and Traineeships in English and Work Readiness eligible migrants are provided with a combination of English language tuition and work experience. The Program and Traineeships seek to assist migrants prepare for the Australian workforce.

### 13.11 Employment

Humanitarian Program entrants have the same eligibility for Australian Government employment services programs, including Job Services Australia and Disability Employment Services, as other Australian permanent residents.

## 14. Family Reunification of Refugees

The holder of any permanent humanitarian visa (including Permanent Protection visas) in Australia can propose declared, **immediate family members** for entry to Australia through the offshore Humanitarian program. This is commonly referred to as the 'split family' provision. Immediate family members may include the visa holder's spouse or de facto partner (including same sex partner), dependent children or, if the visa holder is under 18 of years, parent. Other family members such as parents and siblings can be proposed under the SHP.

A **dependent child** means the child or step child of the person (except a child who is engaged to be married or has a spouse or de facto partner) who is less than 18 years of age; or, is more than 18 and dependant on that person or is incapacitated for work due to loss of bodily or mental functions.

**De facto partners** are recognised as those in de facto relationships as defined under SEC 5CB(2) of the Act:

- (a) they have a mutual commitment to a shared life to the exclusion of all others; and
- (b) the relationship between them is genuine and continuing; and
- (c) they:
  - (i) live together; or

- (ii) do not live separately and apart on a permanent basis; and
- (d) they are not related by family (see subsection (4)).

Applications from immediate family members of Humanitarian visa holders are afforded a high priority under the Humanitarian Program and are processed accordingly.

Generally, visas for immediate family members are granted in the same category as the 'proposer's' visa. For example, the immediate family of a proposer who entered Australia on a Refugee visa (subclass 200) will also be granted a refugee visa and the Australian Government will fund their travel to Australia.

#### **14.2 Eligibility of family members of persons granted asylum**

Persons granted a protection visa (subclass 866), under the onshore/asylum category of the Humanitarian Program, are also eligible to propose immediate family members under the split family provisions. Their immediate family will be granted a SHP visa.

#### **14.3 Criteria for family reunification**

Holders and former holders of permanent Humanitarian Program visas may, within five years of the grant of their visa, propose immediate family members for resettlement (as outlined above).

The visa granted to immediate family members for resettlement will be the same as that granted to the proposer and will grant permanent residency to Australia.

#### **14.4 Verification of relationships**

To qualify for family reunification under 'split family' provisions, immediate family members must have been declared by their proposer in their application before the grant of the proposer's visa and the relationship verified by documentation if available.

#### **14.5 Allocations for family reunification**

There is no separate allocation in the Humanitarian Program for family reunification under the 'split family' provisions. Applications are given priority in processing.

#### **14.6 Routing of applications**

Routing of applications for family reunification is as for other applications for resettlement.

See Section 6: Submission and processing of refugees via In-Country Selection Missions.

#### **14.7 Processing procedures, decision-making and processing times**

Processing and decision-making in family reunification cases are as for other applications for resettlement (see Section 6 Submissions and Processing of Refugees via In-Country Selection Missions). However, 'split family' applicants do not need to meet the criteria of being subject to persecution or substantial discrimination in their home country.

Processing times and visa grant times vary from region to region. In 2009-10 the average processing time for refugee visas from application registration to the grant of a visa was 50 weeks and the average processing time for the grant of a Special Humanitarian Program visas was 65 weeks. (See Section 6.5)

#### **14.8 Travel Assistance and settlement support on arrival**

The level of travel and settlement assistance offered to applicants under the 'split family' provisions will depend on which visa the proposer was granted. If the proposer was granted a refugee visa the travel expenses for the applicants will be covered by the Australian Government. If the proposer was granted a SHP or Protection visa, the proposer or the applicants must pay for their travel to Australia. Assistance may be available under the IOM Refugee Travel Loan Fund. See Section 11: Travel

On arrival in Australia, the proposer is generally expected to assist in the settlement of the family members, however, settlement services are available for family members of refugees and to those SHP visa holders who are assessed to be in need of special assistance with settlement.

#### **14.9 Other immigration channels available for family reunification**

The Family Stream of the Migration Program also allows all holders of permanent visas to sponsor members of their immediate family for entry to Australia.

See <http://www.immi.gov.au/media/fact-sheets/#family>

## **15. References/Resources**

*Refugee and Humanitarian Entry to Australia*, Department of Immigration & Citizenship, Canberra, 2010 <http://www.immi.gov.au/visas/humanitarian/offshore/>

*Beginning a Life in Australia*, Department of Immigration and Citizenship, Canberra, 2010 <http://www.immi.gov.au/living-in-australia/settle-in-australia/beginning-life>. This information is available in English and 37 community languages.