

COUNTRY
CHAPTER

AUL

AUSTRALIA

BY THE GOVERNMENT OF AUSTRALIA



Australia 2016 Overview

Resettlement programme since: 1977	Selection Missions: Yes	Dossier Submissions: No
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Resettlement Admission Targets for 2015-2016: programme year runs from 1 July -30 June

Admission targets for UNHCR submissions:	6,000 places
Total Resettlement Admission Target:	11,000 places

Sub-quota features:

Designated sub-quota/ acceptance for:	2015-2016 Description, additional comments:
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 1,200 places within 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 Programme (SHP). In addition, provision for immediate family of refugee category entrants to be granted visas under the refugee category.
Other	<ul style="list-style-type: none"> An additional 12,000 Humanitarian places have been made available for people displaced by conflict in Syria and Iraq, delivered over multiple programme years. Up to 500 places within the 2015-2016 Humanitarian Programme have been set aside for the Community Proposal Pilot (CPP), designed to draw on the goodwill of the Australian community through community sponsorship arrangements to defray the costs to Government of settling humanitarian entrants.

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. Australia contributes to these three durable solutions in a number of ways including through the Humanitarian Programme which provides resettlement places to those displaced as a result of humanitarian situations. Australia also works in partnership with refugee hosting countries and international organisations through the use of development assistance, capacity building initiatives and support for displaced persons.

The Humanitarian Programme has two components:

- The **offshore** (resettlement) component offers resettlement for people outside Australia who cannot be repatriated or locally integrated and are in need of humanitarian assistance.
- The **onshore** (asylum or protection) component offers protection to people in Australia who meet the refugee definition as set out in the 1951 Convention relating to the Status of Refugees.

Around 840,000 refugees and others of humanitarian concern have been settled in Australia since the end of World War II.

* These are approximate planning levels.

1.2 Ministries and Departments responsible for resettlement policy

The **Humanitarian Programme** is administered by the **Department of Immigration and Border Protection (DIBP)**. Certain elements of visa 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 Programme follows the financial year 1 July to 30 June. Each year, the Australian Government decides the size and regional composition of the programme, taking into consideration: advice from UNHCR on global resettlement needs and priorities; Australia's capacity to provide comprehensive settlement support services; and the evolving humanitarian situations including 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 programme.

In 2015-16, the Programme will continue to focus on providing assistance to priority situations in the Middle East, Africa and Asia regions.

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 programme) is underpinned by the **Migration Act 1958** and the **1994 Migration Regulations**.

The **offshore** component of the Humanitarian Programme reflects Australia's commitment to the system of international protection. The offshore refugee resettlement programme 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 Programme (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.

People applying under the **Community Proposal Pilot (CPP)** may be granted a visa under the Refugee or SHP category. Their application must be proposed by an Approved Proposing Organisation (APO), who are well-established community organisations in Australia that have entered into a Deed of Agreement with the Department.

Both the Refugee category and the SHP provide for the grant of permanent residence visas, and each provides the same access to future citizenship. It should be noted that there are some differences in government-funded settlement support between the categories, and for people granted visas under the CPP (see section 13).

The **onshore** (or protection) component of the Humanitarian Programme enables people seeking asylum in Australia to have their claims for protection assessed. Asylum-seekers in

possession of a valid entry visa upon arrival in Australia 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. Asylum-seekers who arrive in Australia without a valid visa, and are found to be in need of international protection, may be offered temporary protection.

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 the following factors:

- 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;
- whether there is any other suitable country, other than Australia, able to provide for the applicant's settlement and protection from persecution; and
- Australia's resettlement capacity.

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 security 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 Programme 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.

In 2015-16, Australia will resettle a minimum of 11,000 people under its offshore Humanitarian Programme, comprising a minimum of 6,000 places for the Refugee category and 5,000 places in the SHP category. In 2015-16, the Government set aside 1,200 Refugee category places for refugee women and their dependents under the Woman at Risk provisions. The current priority regions in the offshore programme include the Middle East, Asia (including South West Asia) and Africa.

4.2 Processing priorities

Priority populations for the offshore component of the Humanitarian Programme are emergency rescue cases, woman at risk, cases referred by UNHCR and applications under the Community Proposal Pilot. Australia established specific provisions within the Refugee category in 1989 for women at risk in recognition of the priority given by UNHCR to vulnerable women and children. Around 16,500 Woman at Risk visas have been granted over that time.

Australia continues to give priority to some protracted populations, 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 DIBP Internet site at www.border.gov.au.

Special Humanitarian Programme (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*).

Community Proposal Pilot (CPP)

In addition to form 842 (*Application for an Offshore Humanitarian Visa*) applications must be proposed by an Approved Proposing Organisation (APO) in accordance with form 1417 (*Proposal for refugee and special humanitarian entrants by Approved Proposing Organisation*).

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, unless applicants are applying under the Community Proposal Pilot. 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

Refugee 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/Urgent Cases).

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

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

SHP applications must be lodged in Australia, along with the proposal form. Information is available from the DIBP Internet site at

<https://www.border.gov.au/Trav/Refu/Offs/Proposing-an-applicant>

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 applicants who appear to satisfy threshold requirements are interviewed to explore their 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 2014-15 the average processing time for refugee visas from application registration to the granting of a visa was 62.7 weeks and the average processing time for Special Humanitarian Programme visas was 64.9 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. Only a small number of Emergency Rescue cases are granted each year by Australia. All requests to Australia for Emergency Rescue visas must be referred 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 where the applicant is located.

All applicants for permanent entry, including Emergency Rescue visa applicants, must meet the health, character and national security requirements before visa grant. Due to the urgency of these 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 Programme 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 continues to consider 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 Programme entrants (see section 13).

8.3 Woman at Risk

The Woman-at-Risk programme, 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. In 2015, the Australian Government agreed to an allocation of 1,200 Refugee category places annually for the Woman-at-Risk programme. More than 16 500 woman at risk and their dependants have been resettled under these provisions since the inception of this visa category in 1989.

8.4 Children

Unaccompanied children applying under the Humanitarian Programme for entry to Australia 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 children without relatives over the age of 21 to care for them in Australia become wards of the Minister for Immigration and Border Protection 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 child.

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 years of age, and in some circumstances under 15, are required to undergo an HIV 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 Border Protection. The Australian Government meets the cost of health assessment of applicants for Refugee and SHP category visas unless the applicant is applying under the Community Proposal Pilot.

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 either significant costs that are considered 'undue' to health care or community services, and/or prejudice access to health care or community services in short supply by Australian nationals.

However, a waiver of the health requirement can be exercised in certain circumstances.

On 1 July 2012 the health waiver process was streamlined for offshore refugee and humanitarian visa applicants who fail to meet the health requirement due to cost. Under the current arrangements, no costs are considered 'undue', enabling a health waiver to be exercised more efficiently.

Where an applicant fails to meet the health requirement due to the need to access services in short supply, 'prejudice to access', a full assessment on a case-by-case basis continues to occur prior to a decision being made if a health waiver is to be exercised.

9.3 Recourse and waivers

All applicants for an offshore Refugee and Humanitarian visa must be considered for a waiver of the health requirement if they fail to meet the health requirement on the basis of cost or prejudice to access.

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.

As no costs are currently considered 'undue', a waiver is able to be exercised more efficiently where an applicant fails to meet the health requirement on cost grounds only.

Where an applicant fails to meet the health requirement due to prejudice to access, either with or without significant cost, a full assessment is undertaken. In considering whether the granting of a humanitarian visa would be likely to result in 'undue' prejudice to access to services in short supply, a number of factors are considered, including the circumstances of the applicant.

In particular, the following factors are given significant weight:

- Whether the applicant is likely to be able to mitigate the 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 UNHCR; and
- Whether the applicant is in a particularly vulnerable situation (for example, women at

risk or survivors of torture and trauma).

'Health waiver' provisions only apply after an applicant has met all other criteria for the visa, has undertaken the required health examinations and failed to meet the health requirement.

9.4 Departure Health Check (DHC) and treatment

DHC 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'). DHC is not mandatory, but it is strongly encouraged. It is undertaken in addition to mandatory health checks completed prior to the granting of a visa (See 9.1–9.3). Depending on the location of the visa holder, standard DHC activities may involve:

- A physical examination
- Tuberculosis (TB) evaluation for people with a history of TB (may require chest x-ray)
- Malaria and parasites testing and treatment
- Measles, mumps and rubella (MMR) immunisations for people aged between nine months and 54 years except for pregnant visa holders and those who present acceptable evidence of previous immunisation
- Other treatment as may be requested by DIBP, such as Polio vaccination

DHC protects the health of refugees by:

- Ensuring they are 'fit to fly' or if not, then provide/refer for necessary treatment enabling fitness to fly;
- Providing appropriate latest health information needed during travel; and
- Providing recommendation of referrals to healthcare services they may need upon arrival in Australia.

DHC also contributes to maintaining the high level of public health enjoyed by the Australian community.

If the visa holder is found 'fit to fly' at the DHC, travel to Australia is undertaken as planned. If any problems are identified through the DHC, the visa holder may be assisted in a number of ways:

- Delayed travel and immediate treatment until they are 'fit to fly;'
- Provision of a medical escort to accompany them and tend to their health needs while in transit;
- Recommended follow up treatment arranged for them once they arrive in Australia.

If travel is delayed in order to complete the required medical treatment, new travel arrangements will be made. DIBP will cover any costs associated with required medical treatment (for non-sponsored cases only).

In some cases, for refugee and humanitarian visa holders with special health needs that cannot be substantially improved with treatment, a medical escort may be provided to accompany them during their travel to Australia. The medical escort will stay with the visa holder until a hand over to on shore health professional for medical follow-up has been completed in Australia. As part of settlement services, the Department of Social Services (DSS) will make the necessary arrangements to meet the health needs of new arrivals in Australia.

10. Orientation (pre-departure)

The Australian Cultural Orientation (AUSCO) programme is provided to Refugee and Special Humanitarian Programme (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 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 for travel and to provide them with necessary information to enhance their settlement prospects and create realistic expectations for life in Australia.

The programme is voluntary. It is available to all humanitarian entrants over five years of age. Courses are tailored for delivery to five separate groups - adults, children, pre-literate, youth and combined classes.

AUSCO is delivered over a period of up to 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 employment; housing; transport; Australian law and money management.

The Department of Social Services (DSS) regularly reviews the AUSCO curriculum to ensure it meets the needs of clients in each location. In 2016, DSS is implementing a revised AUSCO curriculum with enhanced messaging around English, education and employment, women's status and their participation in Australian society, family safety and the management of client expectations about life in Australia.

The International Organization for Migration (IOM) currently delivers the courses on behalf of DSS.

On arrival in Australia, humanitarian 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

All applicants who obtain a Refugee visa to Australia have their travel costs paid for by the Australian Government.

For entrants who hold a Special Humanitarian Programme visa the proposer or the applicant must pay for their travel to Australia. Assistance may be available under the International Organization for Migration's (IOM) refugee travel loan fund known as No-Interest Loan Scheme (NILS).

See: IOM Australia – No Interest Loan Scheme http://www.iomaustralia.org/projects_nils.htm

For entrants granted visas under the Community Proposal Pilot, the applicant or their family must pay for their travel to Australia. CPP entrants are unable to access assistance under the IOM Refugee Travel Loan Fund.

Since September 2015, the Department has ceased issuing the Document for Travel to Australia (DFTTA) and has transitioned to an International Civil Aviation Organisation compliant Machine Readable Travel Document, the Australian Migration Status (AMS) ImmiCard.

Refugee and Special Humanitarian Visa holders are issued ImmiCards offshore prior to departure to facilitate their travel to Australia and Commencement of Identity in the community.

ImmiCards assist the card holder to prove their visa status and enrol for government services.

Individuals who have been previously issued a DFTTA are eligible to apply online for an ImmiCard.

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 and Humanitarian 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.

Some persons issued with a Refugee and Humanitarian 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, where either parent is an Australian citizen or a permanent resident 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.

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

The Department of Social Services (DSS) is the federal government agency with responsibility for settlement services. The Department of Education and Training has responsibility for foundation skills programmes, including the Adult Migrant English Program (AMEP). Federal, state and local government agencies, non-government organisations and community groups are all involved in the delivery and provision of services. Volunteers also work with service providers to support entrants and assist them to settle into the local community.

13.2 Humanitarian Settlement Services (HSS)

The Humanitarian Settlement Service (HSS) programme provides intensive settlement support through a coordinated case management approach to newly-arrived humanitarian clients on arrival and throughout their initial settlement period. The HSS is a national programme, delivered by 16 service providers across 23 contract regions.

Key features of the HSS programme include:

- A flexible client-centred approach, focusing on individual settlement needs
- Focus on the particular needs of young people
- A comprehensive onshore orientation programme which builds on the messages delivered through the offshore cultural orientation programme, 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 cases.

Humanitarian entrant needs are assessed and addressed through a case management approach. The services focus on assisting entrants to gain access to mainstream services. Humanitarian entrants can access the following services under the HSS based on need:

Case coordination, information and referrals

This includes a case management plan based on an initial needs assessment, information about, and referral to, other service providers and mainstream agencies, including torture and trauma counselling services.

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.

13.4 Assistance to SHP entrants and proposers

Proposers generally provide SHP entrants with settlement support. 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 settlement services or in some cases the full suite of HSS to the entrant.

13.5 Assistance to entrants under the Community Proposal Pilot (CPP)

Applications under the CPP must be proposed by an Approved Proposing Organisation (APO). APOs are well-established community organisations in Australia that have entered into a Deed of Agreement with the Department to propose visa applicants for Refugee and Humanitarian visas in the CPP.

Entrants under the CPP are not eligible for HSS services. APOs work either independently, or with the assistance of Australian family members or community organisations, to propose the applicant, ensure all costs associated with the application are paid (including travel to Australia, and provide the required settlement services and support to humanitarian entrants in the CPP.

13.6 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 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.

13.7 Other settlement services

Complex Case Support

The Complex Case Support (CCS) programme delivers specialised and intensive case management services to eligible humanitarian entrants with exceptional needs which extend beyond the scope of other settlement services. The programme is available to humanitarian entrants in their first five years in Australia. Client needs can include significant mental and physical health conditions, crisis events after arrival and low life skills that present significant barriers to successful settlement. This programme has been operating since October 2008, assisting a small proportion of humanitarian entrants (less than 3 per cent of the annual humanitarian programme intake) who require intensive support to build a new life in Australia and participate effectively in community life.

Settlement Services grants

Settlement Services grants build on the foundation services provided by Humanitarian Settlement Services, by assisting humanitarian entrants and eligible migrants in their first five years in Australia to become self-reliant and participate equitably in society. Settlement Service grants focus on fostering social participation, economic well-being, independence, personal well-being and community connectedness.

Settlement Services grant providers play a key role in facilitating pathways to employment readiness, education and learning English. Providers are encouraged to partner with employers, vocational education and training providers and other education institutions, as well as support access to other key government services such as the Adult Migrant English Program, the *Skills for Education and Employment* programme and employment service providers (*jobactive* services). Specific focus is given to building capability and resilience amongst young humanitarian entrants and other eligible migrants to stay engaged in education and make successful transitions into employment.

There are four Service Types under Settlement Services including:

1. **Casework, coordination and referral**, which includes;
 - Individual casework to develop personal capacity and independence.
 - Culturally and linguistically sensitive group information sessions that provide information about life in Australia, for example banking practices and financial management, employment issues, health education, housing assistance, police and the law, and family safety.
 - Employment workshops and other forums to better understand the workplace and market, skills development, networking and mentoring, volunteering, work experience and establishing a commercial enterprise.
 - Referral to mainstream services and other relevant service providers.
2. **Community coordination and development**, which includes;
 - Advocacy of refugee/migrant communities to strengthen understanding and community relationships with service providers and government agencies (such as the police, schools, real estate agents).
 - Opportunities for people to access sport and increase engagement with the broader community.
 - Settlement support groups to develop social support networks, reduce isolation and promote participation.

- Driver education and road safety workshops.
- 3. Youth settlement services**, which includes;
- Conducting youth summits/forums/camps which provide a safe environment to discuss issues such as family relations, self-esteem, health and safety, education and future aspirations. These build social support networks, self-confidence and independence, and enhance knowledge and the ability to navigate and access mainstream services.
 - After-school programmes (such as homework groups) to enhance participation in the classroom and school community.
 - Parent information sessions to assist children and their parents/guardians to better understand the requirements of the school system.
 - Advocacy of refugee/migrant youth to assist young refugees to settle and strengthen understanding with service providers and community relationships.
- 4. Ethno-cultural support**, which includes;
- Providing social support to newly arrived clients to enable them to connect with and integrate into their own communities through, for example, culturally and/or religious specific institutions and women/men/youth groups.
 - Mentoring and supporting members of newly arrived communities to establish their own support associations and build capacity to successfully operate and meet governance requirements.
 - Providing leadership training to members of newly arrived communities to enable them to effectively advocate on behalf of their community and assist community members.

Settlement Services grants also fund settlement peak bodies that provide advice on policy and programme development, advocacy, and share information and best practice across the sector.

13.8 Translating and Interpreting Service

DSS provides the **Free Interpreting Service**, through the Translating and Interpreting Service (TIS National), to eligible non-English speakers communicating with certain service providers, such as general practitioners, approved medical specialists and pharmacies.

DSS also provides eligible Australians with a **Free Translating Service** for the translation of key personal documents into English. The service is generally available within the first two years of arriving to settle permanently in Australia and is designed to assist clients achieve positive settlement outcomes in the areas of employment, education and community participation.

TIS National provides an important safety-net to people who face language barriers when participating in the community. TIS National offers immediate phone, pre-booked phone and on-site interpreting services 24 hours a day, every day of the year for non-English speakers and English speakers who need to communicate with them. TIS National provides priority lines for emergency services and medical practitioners. TIS National services are available on a free or user-pays basis, depending on circumstances, for both the public and private sectors.

13.9 Language training and Education

Language training

The Adult Migrant English Program (AMEP) is designed to help newly arrived migrants and humanitarian entrants learn foundation English language skills.

English language skills are essential for newly arrived migrants to secure employment, access further education and training and better connect with the Australian community. AMEP provides, eligible migrants and humanitarian entrants with up to 510 hours of English language tuition in their first five years of settlement in Australia. 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 with the Special Preparatory Program (SPP). SPP is a sub-programme of AMEP. Further information about AMEP can be found at <https://www.education.gov.au/adult-migrant-english-program-0> .

Education

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

13.10 English language training for employment

The AMEP sub-programme, Settlement Language Pathways to Employment and Training (SLEPT) aims to assist clients learn English while gaining familiarity with Australian workplace language, culture and practices. The SLPET programme provides up to 200 hours of vocation specific English language tuition including up to 80 hours of work experience.

13.11 Employment

Jobactive is the Australian Government's employment services which assists eligible job seekers to get a job, to learn new skills and develop a career path. Humanitarian Programme entrants are eligible for jobactive and Disability Employment Services.

14. Family Reunification of Refugees

The holder of a permanent humanitarian visa (including some holders of permanent Protection visas*) in Australia can propose declared, **immediate family members** for entry to Australia through the offshore Humanitarian programme. 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 also be proposed under the SHP.

**People granted permanent Protection visas in Australia who arrived as "Illegal Maritime Arrivals" (IMAs) or after 13 August 2012 are legislatively barred from proposing any family members under the offshore Humanitarian Programme, including their 'split family'.*

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)).

The processing of applications in the SHP is governed by a set of priorities. Highest priority under the SHP is given to the immediate ('split') family of people who were themselves resettled through the offshore Humanitarian visa. The next priorities are for other family members, e.g. siblings, parents, proposed by relatives who were resettled under the offshore Humanitarian Programme, followed by people proposed by community organisations. Lowest priority in processing is for any person proposed by a family member who was granted a Permanent Protection visa, regardless of the degree of their relationship (this includes 'split'

family). As indicated above, some people who arrived as IMAs are ineligible to propose family members under the SHP.

14.1 Eligibility of family members of persons granted asylum

While permanent Protection visa holders are able to propose family members under the SHP, as indicated at 14.1, such applications are accorded lowest priority in processing. A permanent Protection visa holder who arrived in Australia as an IMA on or after 13 August 2012 is ineligible to propose a family member under the SHP.

14.2 Criteria for family reunification of immediate family members

Holders and former holders of permanent Humanitarian Programme visas may, within five years of the grant of their visa, propose immediate family members for resettlement (as outlined above) Applications are processed based on a priority order with lowest priority for people proposed by a permanent Protection visa holder.

Where the split family proposer was granted a Refugee category visa, the family members applying for entry to Australia will be granted the same kind of visa as their proposer, e.g. a Refugee category visa.

14.3 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.

14.4 Allocations for family reunification

There is no separate allocation in the Humanitarian Programme for family reunification under the 'split family' provisions. Applications are processed according to the priorities set by the Australian Government.

14.5 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.

14.6 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 proposed by relatives in Australia who were resettled under the offshore Programme do not need to meet the criteria of being subject to persecution or substantial discrimination in their home country. All other SHP applicants must meet all four compelling reasons factors as outlined at Section 3.

Processing times and visa grant times vary from region to region. As there are no separate allocations for split family members, processing times will reflect those outlined at Section 6.5.

14.7 Travel Assistance and settlement support on arrival

The same arrangements for travel apply to immediate ('split') family as for other applications processed in the offshore Humanitarian Programme. People granted an SHP visa must meet their travel expenses and people granted Refugee category visas have their travel expenses paid for by the Australian government.

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.

14.8 Other immigration channels available for family reunification

The Family Stream of the Migration Programme also allows all holders of permanent visas to sponsor members of their immediate family for entry to Australia. Processing priorities also apply in these provisions.

See <http://www.border.gov.au/about/corporate/information/fact-sheets/29overview-family>

15. References/Resources

Australia's Refugee and Humanitarian Programme, Department of Immigration & Border Protection, Canberra, 2015 <http://www.border.gov.au/about/corporate/information/fact-sheets/60refugee>

Beginning a Life in Australia, Department of Social Services, Canberra, 2014 <http://www.dss.gov.au/our-responsibilities/settlement-services/beginning-a-life-in-australia>.

This information is available in English and 37 community languages.