

COUNTRY
CHAPTER

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AUSTRALIA

BY THE GOVERNMENT OF AUSTRALIA



Australia 2017-186 Overview

Resettlement program since: 1977	Selection Missions: Yes	Dossier Submissions: No
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Resettlement Admission Targets for 2017-2018: program year runs from 1 July to 30 June

Admission targets for Refugee category* :	7,900 places
Total Resettlement Admission Target:*	14,800 places

*these are planning levels only

Sub-quota features:

Designated sub-quota/ acceptance for:	2017-2018 Description, additional comments:
Emergency resettlement procedures	Emergency Rescue 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 1,550 places for vulnerable women and children
Unaccompanied children	
Family Reunion (within program)	Provisions exist for family reunification.
Other	Up to 1000 places within the 2017-2018 Humanitarian Program are available for the Community Support Program (CSP)

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 Program which provides resettlement places to those displaced as a result of conflict, persecution or other 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 Program has two components:

- The **offshore** (resettlement) component offers resettlement to people outside Australia who cannot be repatriated or locally integrated and are in need of humanitarian assistance.
- The **onshore** (protection) component of the Program has been reserved for people who arrive lawfully in Australia and are found to engage Australia's protection obligations because they are either found to be a refugee, or meet the complementary protection criteria and are granted a Permanent Protection visa pursuant to the Migration Act 1958.

More than 865,000 refugees and others of humanitarian concern have been resettled 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 Program is administered by the Department of Home Affairs.

1.3 Process for deciding the annual resettlement quota and its composition

Australia's Humanitarian Program follows the Australian financial year which runs from 1 July to 30 June. Each year, the Australian Government sets the size and composition of the program, taking into consideration:

- the views of the Australian public, state and territory governments, Commonwealth agencies, and peak refugee and humanitarian organisations;
- UNHCR's submission on global resettlement needs;
- Australia's capacity to facilitate the successful entry and settlement of humanitarian entrants into our society; and
- expert advice to manage risks to the Australian community.

In 2017-18, the program continues to focus on providing assistance to priority situations in the Middle East, Africa and Asia.

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

The domestic legislative basis for refugee status for asylum-seekers and the criteria for accepting refugees and other humanitarian entrants from overseas is in the *Migration Act 1958* and the *Migration Regulations 1994*.

The offshore component of the Humanitarian Program reflects Australia's commitment to the system of international protection. The offshore component 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 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 contains the following visa subclasses: Refugee, In-country Special Humanitarian, Emergency Rescue and Woman at Risk.

The Special Humanitarian Program (SHP) is for people who are outside their home country and 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 organisation 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 UNHCR and be a resettlement priority in their own right.

The Community Support Program (CSP) is a new way for Australians to help refugees and others in humanitarian need begin a life in Australia. The CSP connects refugees overseas with individuals, businesses and community organisations in Australia who are ready to give them a hand with the practicalities of migration, settlement and employment.

The CSP contemplates the resettlement of people who are employable and capable of supporting themselves by the end of their first year in Australia. Prospective applicants must also have functional English, be aged between 18 and 50, and have a job offer.

People applying under the CSP may be granted visas in the SHP category. There are up to 1,000 places available for the CSP. Their applications must be proposed by an approved proposing organisation (APO), which is a community organisation with the skills and experience to manage the application and settlement process and has entered into a deed of agreement with the Department of Home Affairs.

Both Refugee category and SHP visas are for permanent residence with the prospect of citizenship, but there are differences between the two in entitlements to government-funded settlement support (see section 13).

The onshore component of the Humanitarian Program enables people seeking asylum in Australia to have their claims for protection assessed. Asylum-seekers who entered Australia with a valid visa and are found to be in need of protection under the Refugee Convention and to 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 criterion of persecution described above, applicants for resettlement to Australia in the Refugee category must satisfy the decision-maker that there are compelling reasons for giving special consideration to granting them a visa, having regard to the following factors:

- the degree of persecution the applicant is subject to in their home country;
- the extent of the applicant's connection to Australia;
- whether there is any 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 offshore humanitarian visas must meet public interest criteria intended to safeguard the Australian community's health, access to health services, safety and national security. Applications may be refused on character grounds where there is evidence of criminal conduct 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 Program are made by the Australian Government each year, taking into consideration:

- the views of the Australian public, state and territory governments, Commonwealth agencies, and peak refugee and humanitarian organisations;
- UNHCR's submission on global resettlement needs;
- Australia's capacity to facilitate the successful entry and settlement of humanitarian entrants into our society; and
- expert advice to manage risks to the Australian community.

In 2017-18, Australia will resettle close to 15,000 under the offshore Humanitarian Program. The current priority regions in the offshore program include the Middle East, Asia (including South West Asia) and Africa.

4.2 Processing priorities

Priority populations for the offshore Humanitarian Program are emergency rescue cases, vulnerable women, children and dependents and other cases referred by UNHCR. 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 19,200 vulnerable women and children have been granted visas since 1989.

In line with the Prime Minister's announcement at the Leader's Summit in New York held in September 2016, Australia continues to give priority to some refugees from 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*) (All forms are available at <https://www.homeaffairs.gov.au/about/corporate/information/forms/departmental-forms>).

Special Humanitarian Program (SHP)

In addition to form 842, 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 Support Program (CSP)

In addition to form 842, applications must be proposed by an approved proposing organisation (APO) in accordance with form 1417 (*Community Support Program Proposal 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) Two recent passport size photographs of each person included in form 842 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 Support Program.

Personal documents, such as birth, marriage and death certificates and educational documentation if available, should be provided as soon as possible.

6.2 Routing of Submissions

Applications for Refugee category visas are received direct from applicants or after referral by UNHCR or NGOs. Under Australian immigration law, the application must be made on the prescribed form and sent to the relevant prescribed address. Applications for Refugee category visas must be lodged at an Australian overseas mission (see section 7 for processes relating to emergency or urgent cases). Processing of such applications takes place at Australian overseas missions that are referred to as 'humanitarian posts'.

Initial processing of SHP and CSP applications, which must be lodged in Australia, is done in Australia at the Special Humanitarian Processing Centre (SHPC). Applications may be refused by the SHPC or sent to the relevant overseas post for further consideration, interview and decision.

SHP applications must be lodged in Australia, along with the proposal form. Further information is available at www.homeaffairs.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 criterion that was not satisfied.

6.4 Recourse processing

There is no provision for merits review of decisions to refuse offshore humanitarian visa applications. Applicants may reapply at any time. There is also no provision under the Migration Regulations for the Minister intervene in Refugee and Humanitarian (Class XB) visa applications.

6.5 Processing times

Processing times and visa grant times vary from region to region. In 2016–17 the average processing time for refugee visas from application registration to the granting of a visa was 47.6 weeks and the average processing time for Special Humanitarian Program visas was 71.1 weeks.

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

7. Emergency Cases/Urgent Cases

The Emergency Rescue visa is a 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 visas are granted each year. All requests 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 of Home Affairs 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 those for Emergency Rescue visas, must meet 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 of Home Affairs 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, but every applicant must meet health requirements relating to public safety, undue cost and prejudice to access 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 Program entrants (see section 13).

8.3 Woman at Risk

The Woman at Risk program, a subcategory 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 2017-18, the Australian Government agreed to an allocation of 1,550 annually for vulnerable women and children. More than 19,200 vulnerable women and children have been granted visas.

8.4 Unaccompanied Humanitarian Minors

Unaccompanied children applying under the Humanitarian Program 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 or territory 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.

9. Medical Requirements

9.1 Screening procedures

Applicants for resettlement, the same as all applicants for permanent visas, must satisfy 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. 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 doctors and radiologists from the overseas panel doctor network who have been approved by the Department of Home Affairs. 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 Support Program.

9.2 Health criteria and exclusion factors

Applicants may not satisfy health criteria if they have active tuberculosis or a medical condition that is likely to result in undue costs to the government in health care or community services and/or to prejudice Australians' access to health care or community services that are in short supply.

9.3 Recourse and waivers

Applicants who do not satisfy health criteria because they have active tuberculosis are given the opportunity to undergo specialist treatment before they are reassessed.

Applicants who do not satisfy health criteria on the basis of cost or prejudice to access are considered for waiver of health criteria. Health criteria are usually waived if the basis is cost.

If the basis is prejudice to access, the decision-maker will consider whether it is undue, taking into account applicants' personal circumstances, including their ability to mitigate potential costs and care requirements, and any compassionate and compelling circumstances.

Waiver of health criteria is considered only after applicants have satisfied all other criteria for the visa, undergone required examinations and failed health criteria.

9.4 Departure Health Check (DHC) and treatment

DHC is a health check of offshore humanitarian visa holders carried out within 72 hours of departure primarily to ensure that they are healthy enough for the long flights to Australia. 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 subsections 9.1 - 9.3). Depending on the location of the visa holder, standard DHC activities may involve:

- a physical examination
- tuberculosis evaluation for people with a history of tuberculosis
- malaria and parasites testing and treatment
- measles, mumps and rubella (MMR) immunisations for people aged between nine months and 54 years except pregnant visa holders and those who present acceptable evidence of previous immunisation
- other treatment as may be requested by the department, such as polio vaccination

DHC protects the health of refugees by:

- ensuring they are 'fit to fly' or if not, then providing or referring for treatment;
- 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 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 for medical treatment, new travel arrangements will be made. The Department of Home Affairs will cover the costs of the medical treatment.

In some cases a medical escort may be provided to accompany offshore humanitarian visa holders with special health needs that cannot be substantially improved with treatment. The medical escort accompanies the entrant during their travel to Australia and hands over their care to a health professional for medical follow-up on arrival in Australia. The Department of Social Services (DSS) makes the necessary arrangements to meet the health needs of entrants in Australia.

10. Orientation (pre-departure)

The Australian Cultural Orientation (AUSCO) program is a five-day course for offshore humanitarian visa holders that aims to prepare them for travel and for life in Australia.

AUSCO courses are voluntary and open to all offshore humanitarian visa holders over the age of five. There are different courses for five group types: adults, children, pre-literate, youth and combined.

Units covered during the course include:

- Overview of Australia
- Settlement services
- Housing
- Health
- Money
- Education
- Employment
- Law
- Travel to Australia

The Department of Social Services (DSS) regularly reviews the AUSCO curriculum to ensure it meets participants' needs. In 2016, DSS implemented a 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) delivers AUSCO courses on behalf of DSS.

AUSCO links closely with onshore settlement support and orientation delivered under the Humanitarian Settlement Program (HSP) (see section 13).

11. Travel

All Refugee visa holders have their travel arranged by IOM and paid for by the Australian Government.

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 IOM's travel loan fund known as the No-Interest Loan Scheme (NILS).

See australia.iom.int/services-global-special-humanitarian-visa-subclass-202-holders.

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

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival

Offshore humanitarian entrants have permanent residence on arrival in Australia.

12.2 Documentation issued, including travel documents

Humanitarian entrants are issued with ICAO-compliant, machine-readable Australian Migration Status (AMS) ImmiCards to facilitate their travel to Australia, prove their visa status and help them enrol for government services.

Humanitarian entrants intending to travel overseas and return to Australia and who do not hold and cannot obtain a passport issued by their country of origin should obtain a Convention travel document (*titre de voyage*) or certificate of identity from the Department of Foreign Affairs and Trade before they leave Australia.

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

A child born in Australia to an Australian citizen or permanent resident is an Australian citizen.

12.4 Details on the requirements, costs and timelines for citizenship

Humanitarian entrants aged 18 and over who have lived in Australia for at least four years may apply for citizenship. Information about eligibility for Australian citizenship can be found at www.homeaffairs.gov.au/Trav/Citi.

13. Domestic Settlement and Community Services

Government assistance is designed to help entrants 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.

13.1 Actors

The Department of Social Services (DSS) is the Australian Government agency with responsibility for settlement services. DSS administers a range of onshore settlement and language support services that help humanitarian entrants and other eligible migrants to become self-reliant and participate equally in Australian society. Programs include the Humanitarian Settlement Program, Settlement Grants and Free Translating and Interpreting Services. Services are delivered by contracted service providers.

The Department of Education and Training has responsibility for foundation skills programs, 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 Program (HSP)

The Humanitarian Settlement Program (HSP) helps humanitarian entrants build the skills and knowledge they need to become self-reliant and active members of the Australian community.

A case-management plan identifying individuals' settlement needs and outcomes determines the services they receive, with a focus on:

- Employment
- Education and training
- Housing
- Physical and mental health and well-being
- Managing money
- Community participation and networking
- Family functioning and social support
- Justice
- Language services

Immediate services provide the following practical support to humanitarian entrants on or soon after arrival:

- airport reception
- on-arrival accommodation and property induction
- initial food and essential items package
- assistance to register with Centrelink, Medicare and a bank
- addressing immediate health needs
- dealing with an emergency and using interpreting services
- orientation to local services.

Foundation services help humanitarian entrants achieve the outcomes in their case management plan and include:

- an onshore orientation program on the Australian way of life and values
- assistance to find long-term accommodation
- assistance with mainstream services, including health and family support services
- connecting with local community groups and activities
- support to register with the Adult Migrant English Program (AMEP) and attend lessons
- help to enrol in relevant education and training and obtain recognition of pre-arrival skills and qualifications
- assistance with employment services, employment strategies and support services for establishing a business.

Most clients achieve the outcomes in their case-management plan within six to eighteen months.

13.4 Assistance to SHP entrants and proposers

Proposers generally provide SHP entrants with settlement support. 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 full HSP services to the entrant.

13.5 Assistance to entrants under the Community Support Program (CSP)

Applications under the CSP must be proposed by an approved proposing organisation (APO). APOs are organisations in Australia that have entered into a deed of agreement with the

Department of Home Affairs to propose visa applicants for Refugee and Humanitarian visas in the CSP.

CSP entrants are not eligible for government-funded HSP services. APOs work independently or with Australian family members or community organisations to propose the applicant, ensure all costs associated with the application are paid, and ensure they receive settlement services and support commensurate with those received by other humanitarian entrants. They may contract HSP service providers to deliver those services.

13.6 Location

The settlement location of humanitarian entrants is determined by a number of factors, particularly where family or friends permanently in Australia live. All SHP entrants are proposed by family, friends or an organisation based 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 to Australia.

For 'unlinked' entrants, i.e. those without family or friends in Australia, the department considers a range of factors when deciding on a suitable settlement location. These include the specific requirements of the entrant, such as health needs, availability of service, and the community's ability to provide a welcoming and supportive environment.

13.7 Other settlement services

Settlement Services grants build on the foundation services provided by the HSP 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 aim to foster social participation, economic wellbeing, independence, personal wellbeing 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 educational institutions, as well as support access to other key government services such as the Adult Migrant English Program (see subsection 13.9), the Skills for Education and Employment program 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.

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

13.8 Translating and Interpreting Service

DSS provides a free interpreting service 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-program of AMEP. Further information about AMEP can be found at www.education.gov.au/adult-migrant-english-program-0.

Education

Humanitarian Program 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 subprogram, 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 program provides up to 200 hours of vocation specific English language tuition including up to 80 hours of work experience.

13.11 Employment

Humanitarian entrants are eligible for assistance from employment service programs including Jobactive, Transition to Work and Disability Employment Services. Jobactive is the Australian Government's mainstream employment service which assists eligible job seekers to get a job, learn new skills and develop a career path. Transition to Work supports young people aged 15 to 21 and Disability Employment Services helps people whose main barrier to employment is disability, injury or a health condition to find and keep a job.

Workplace relations advice is available to migrant workers to help them understand their workplace rights and protections. More information can be found at www.fairwork.gov.au/find-help-for/visa-holders-and-migrants.

14. Family Reunification of Refugees

The holder of a permanent humanitarian visa* 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' provisions. 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.

*The exception is people granted permanent Protection visas who arrived as "illegal maritime arrivals" (IMAs) or after 13 August 2012, who are barred by law from proposing people (including their 'split family') under the offshore Humanitarian Program.

Other family members such as parents and siblings can also be proposed under the SHP.

A dependent child is the child or step child of the person 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. A child who is engaged to be married or has a spouse or de facto partner is excluded.

De facto partners are recognised if they are committed to a shared life to the exclusion of all others, their relationship is genuine and continuing, they live together or do not live separately and apart on a permanent basis, and they are not related in certain ways.

The processing of applications under the SHP is governed by priorities. Highest priority is given to the immediate ('split') family of people who were themselves resettled through the offshore Humanitarian Program, and people proposed by relatives residing in a regional location (any location except Adelaide, Brisbane, Canberra, Melbourne, Perth and Sydney). The next priorities are for close family members of Australian citizens or permanent residents or eligible New Zealand citizens. Lowest priority is for any person proposed by a family member who was granted a Protection visa in Australia, 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 may propose family members under the SHP, as indicated above, their 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 Program visas may, within five years of the grant of their visa, propose immediate family members for resettlement (as outlined above). Applications are processed according to priorities set by the government, with lowest priority for people proposed by a permanent Protection visa holder.

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 Program for family reunification under the 'split family' provisions.

14.5 Routing of applications

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

14.6 Processing procedures, decision-making and processing times

Processing and decision-making in family reunification cases are as for other applications for resettlement. However, 'split family' applicants proposed by relatives in Australia who were resettled under the offshore Humanitarian Program 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 subsection 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 Program. People granted an SHP visa must meet their own travel expenses and people granted Refugee category visas have their travel paid for by the Australian Government.

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

14.8 Other immigration channels available for family reunification

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

See www.homeaffairs.gov.au/about/corporate/information/fact-sheets/29overview-family.

15. References/Resources

Fact sheet: Australia's Refugee and Humanitarian programme, Department of Home Affairs
www.homeaffairs.gov.au/about/corporate/information/fact-sheets/60refugee

Beginning a Life in Australia, Department of Social Services, Canberra, 2014
www.dss.gov.au/our-responsibilities/settlement-services/beginning-a-life-in-australia. This information is available in English and 37 community languages.