

SUBMISSION ON AUSTRALIA 'S HUMANITARIAN PROGRAM FOR 2004-05

From the Australian Catholic Migrant and Refugee Office

Introduction

The Australian Catholic Bishops Conference Media Release February 17th, 2004 highlighted Minister Vanstone's intention not to return anybody needing continuing protection to a situation where their life was at risk. The Bishops remarked " Minister Vanstone is to be commended on her humane and practical assessment of these matters since taking over the Immigration portfolio." (Australian Catholic Bishops' Conference, Media Release 17 February 2004)

Whilst applauding such an apparent positive shift in ministerial intentions, ACMRO still has the same general concerns raised during last year's consultation round. These are:

- Consideration of refugees as a problem rather than accepting that the refugee problem is a global concern and requires a degree of moral courage in finding solutions.
- Lack of a balanced debate on the humanitarian program, especially in relation to asylum seekers.
- The better use of the resources of Government, business, private and community sectors (including religious organizations). This would enable a greater number of refugees to be resettled in Australia .
- Slow processing of humanitarian cases at some overseas posts
- The causes of refugee situations. These should be addressed more strongly
- The linking of the on-shore and off-shore Humanitarian Programs.
- A lack of community education about asylum seekers and their origins. This results in an unformed public holding negative and hostile attitudes towards asylum seekers .
- Temporary protection visas for undocumented arrivals. TPVs prevent family reunion and eligibility for permanent residence. And, more recently, there have been long delays in making decisions on Further Protection visas.
- The rationale and costs involved with on-shore and off-shore detention.
- Mandatory detention concerning the conditions and treatment of detainees, especially of children in detention ;
- The right of family reunion for those seeking protection;

In recognition of Australia 's international obligations and adherence to humanitarian responsibilities, we welcome a migration system that is protective of those who genuinely seek our protection.

However, many people (including members of the Catholic Church) are concerned that those people, who come to Australia without documentation (by sea or air) and seek our protection, are treated harshly as law-breakers. Pope John Paul II uses the term "irregular" (rather than "illegal") for such people. Australians should be made aware of the desperate situations that cause many people to enter Australia irregularly, and they should not be encouraged to be lacking in compassion towards people seeking protection. Members of the Catholic community have expressed concern with the current asylum seeker policy and the manner in which Australia treats desperate people who have the resources to use people smugglers. They have called for the Government to act with compassion and generosity by increasing the refugee program as a token of our concern and to respect the human dignity and right of asylum seekers.

The Pope's message for the World Day of Migration 2004 titled "Migration with a view to peace" , (Message of the Holy Father John Paul II for the 90th World Day of Migrants and Refugees 2004) draws attention to forced human displacement, focusing on certain problematic aspects of great timeliness due to war and violence, terrorism and oppression, discrimination and injustice. The Pope goes on to say, " No one can deny that the aspiration to peace is rooted in the heart of a large part of humanity. That is exactly the ardent desire that spurs people to seek every possible path to a better future for one and all. We are ever more convinced that we must fight the evil of war at its roots, for peace is not only the absence of conflict; it is also a long-term dynamic and participatory process that involves every social class, from families to schools and the various institutions and national and international bodies. We can and must build a culture of peace together that will prevent recourse to arms and all forms of violence.it is necessary to reaffirm vigorously that there can be not true peace without justice and respect for human rights... **building conditions of peace means in practice being**

seriously committed to safeguarding first of all *the right not to emigrate, that is, the right to live in peace and dignity in one's own country. Equally the right to emigrate exists*".

Basic human needs are an essential consideration for the Humanitarian Program ACMRO urges the government and all Australians to consider basic human needs as a defining principle for the development of the Humanitarian Program whilst recognising that economics, global forces, and popular public opinion will influence planning for the Humanitarian Program.

We urge the Government to take an international leading role by increasing humanitarian numbers from the present 12,000 as a positive acknowledgment of justice which displaced people and refugees deserve. We also urge the reintroduction of special programs to enable Australia to respond promptly to emergency humanitarian crises in particular countries.

Positive action at this time in our history is vital to ensure that human dignity is always defended.

We urge the Government to intensify its efforts to ensure that all nations be encouraged to protect refugees and asylum seekers, and to provide greater support to countries of first asylum to help them cope with the large numbers of displaced persons they are currently sheltering.

In summary, ACMRO endorses the sentiment that a global response is necessary in finding a collaborative solution to the refugee problem. A long-term strategy, enlisting international and regional cooperation and support, should be adopted. Compassion should be an important element of the strategic process.

Humanitarian Claims and the Refugee Program

The focus of the Humanitarian Program should be on those who do have claims by having greater generosity in Australia's humanitarian program in response to the number of people seeking protection as identified by the UNHCR.

The current offshore program of resettlement should be de-linked from the on-shore program which handles asylum seekers. This linkage has only been the case since 1996. The role of de-linking the two programs would be that an increase in use of on-shore places through successful asylum claims would not be offset by a decrease in places in the off-shore program and would provide, therefore, less incentive to take the people smuggling option. An immediate option is to increase the resettlement program to allocate all of the current 12,000 places for off-shore applicants, and have a notional number of places for successful on-shore asylum claims".

It is not disputed that the *integrity* of Australia's migration program and borders should be maintained. But equally, the integrity of the humanitarian program should be maintained so that it can provide protection commensurate with the number seeking protection. UNHCR says that desperation at not being able to find a home has forced many asylum seekers to pay people smugglers to help them reach Australia via Indonesia .. (UNHCR Basic Facts, 20 February 2003 : Refugees by numbers 2202 Edition, at www.unhcr.ch)

How can the Refugee Program best target those in Greatest Need of Resettlement?

The difficulty in determining those in greatest need for resettlement is accepted. Perhaps DIMIA processing posts, in addition to accepting referrals from UNHCR, could make use of other international agencies such as the International Catholic Migration Commission (ICMC) in order to administer a program that is more flexible and better able to respond to the changing location of refugee generating areas/zones.

Overseas selection processes and on-arrival settlement services could well be enhanced and more effectively identify humanitarian entrants' needs if more weight were given to community organizations' concerns . These organizations possess particular experience both in Australia and overseas when dealing with displaced people and their need. Volunteers have historically been the lifeline for migrant and humanitarian entrants. There would be great benefit for DIMIA to recognise the potential for partnership arrangements, for example in programs such as regional relocation. Improvement is required to increase access to processing posts for refugees as well as an overall speeding up of applications once they are received. However it would be wrong to diminish the significance of persons seeking protection by making comparisons and judgements to determine the 'greatest need'.

Special support and training should be offered to those individuals and organisations that specialise in dealing with clients from **The Woman at Risk** visa subclass for female applicants. Non-government organizations, including church-based, have the capacity at international and national level to cooperate

through shared information and arrangements in areas of common interest and concern to identify effectively and select women at risk for settlement in Australia . There should be a person with expertise in each Australian Embassy with responsibility for the processing of applications for women at risk. This person should be familiar with the local situation and have an understanding of social and cultural circumstances and factors that cause women to be at risk. In recognition of the problems and barriers faced by women in travel and the lodgement of applications, special consideration should be given to make the process culturally and socially relevant, well known and more accessible, accountable and responsive to women at risk.

Repeat Applications

An increase in the refugee/humanitarian program to enable it to be responsive, flexible and adaptable to need and fluctuations would address and limit the need for repeat applications. There need to be sufficient places available to prevent repeat applications.

We support a recommendation made by the National Council of Churches in Australia (NCCA, Submission to the Consultations on the 2002 - 2003 Humanitarian Program, Summary of Recommendations.) and share the caution that placing restrictions on repeat applications should only be considered if the primary application was without doubt comprehensive and complete. Many claimants may have the opportunity to provide new information in support of their claim. To question the need for repeat applications assumes that the circumstances surrounding the initial application process were ideal and beyond question - that the applicant was able to submit all the correct information necessary in the first instance along with having the necessary and appropriate assistance and support. Barriers may have existed and prevented complete disclosure of information such as a sharing of cultural understanding and values, language, social mores and stigmas that may prevent direct and open communication. Like the NCCA, we question the assumption that a first application is necessarily complete, comprehensive and perfect, and is then submitted in an ideal atmosphere with perfect and total assistance and understanding of the process.

Supporting Settlement Volunteers

To provide support to assist volunteers in settlement work they should be included in the consultative and program planning process.

Consideration should be given to fund agencies who use volunteers to employ a "volunteer coordinator" to train, resource and support volunteers. These volunteer coordinators could support:

- Cross cultural training;
- Information on services, systems and processes;
- Access to a working space, telecommunications and administrative support;
- Identification and legitimacy to advocate on behalf of entrants; and
- Reimbursement for costs incurred in supporting entrants.

How can the Special Humanitarian Program best target those in greatest need of resettlement?

There should be sufficient, specially trained staff at more accessible locations close to refugee source areas. The difficulty in determining those in greatest need for resettlement is accepted. See the suggestion given above about using the services and expertise of competent international agencies in addition to UNHCR. Some community organisations, both in Australia and overseas, possess particular experience when dealing with displaced people and their needs. Overseas selection processes and on-arrival settlement services could well be enhanced, and more effectively identify humanitarian entrants' needs, if more use were made of these organisations.

Volunteers have historically been the lifeline for migrant and humanitarian entrants. There would be great benefit for DIMIA to recognise the potential for partnership arrangements with community organisations who use volunteers in targeting those in greatest need of resettlement.

How can the Special Humanitarian Program be better managed to ensure proposer support for emerging new resettlement caseloads with small populations in Australia ?

The interest-free loan scheme for travel and settlement of nominees who are proposed, currently under consideration by DIMIA, will ensure greater proposer support.

In addition, the level of support which proposers can offer entrants will be enhanced if they are better prepared, resourced and supported. This should include a pre-arrival induction program where the proposer is made aware of his/her obligations (financial or otherwise) and of what she/he is likely to experience as a proposer. The proposer needs to receive regular information updates on settlement service so that entrants can be more effectively linked into the services of which they are in need. Community groups/organisations, with the support of government, could provide training/education programs to ensure that proposers are better prepared and able to undertake that which, for many, can be a difficult and stressful experience. Many proposers (often family members) agree to sponsor entrants despite having limited financial resources and/or little knowledge about the obligations that come with it or other refugee settlement services. A long-term commitment to provide necessary resources (financial or otherwise) must be given to ensure proposer support for emerging new resettlement caseloads with small populations in Australia.

How can we ensure that the broader community becomes more involved in the Special Humanitarian Program proposer process to maximise the support provided to applicants during processing and on their arrival in Australia ?

The interest-free loan scheme, mentioned above, will go a long way to involving the broader community in the Special Humanitarian Program proposer process.

Proposers need to be cognisant of the commitment and responsibility involved with proposal/sponsorship. They should be aware that they require sufficient resources to meet their obligations and responsibilities.

The broader community is entitled to know and understand fully the events and circumstances which lead to people seeking refuge. We believe that persons/communities who have a good understanding of those issues would acknowledge, respect and treat refugees with dignity and would welcome the opportunity to support applicants during processing and arrival in Australia .

Non- government and church organisations, with the support of government funding, could provide the necessary training and skills required for volunteers within communities to assist applicants in their settlement. Applicants and communities would require long term government support in education, health, housing and employment opportunities to enhance the settlement of applicants.

Australians should be reminded that previous generosity to refugees has been of benefit to Australian society and will continue to be so. The Australian community should be encouraged to have confidence and pride in Australia 's refugees. Refugees by definition, are people with courage, ingenuity and perseverance and are endowed with talents and creativity which were necessary to have survived and found sanctuary. Australians respect such values and attributes, but rarely do we attribute them to refugees. It should be acknowledged that many well-known and distinguished Australians are from refugee situations.

The government is responsible for providing the Australian community with accurate information. Education campaigns should contain accurate statistics indicating the number of people who have arrived irregularly in contrast to those who have arrived on Temporary visas and sought Australia 's protection, or have broken the conditions of their temporary visa (eg by overstaying). In order to provide a balanced view of the number of people in Australia irregularly, the number of over-stayers and the source countries should be made available for any balanced debate to occur. At the same time the issue of negative and hurtful terminology should also be addressed so that asylum seekers from different religious and ethnic groups are not condemned whereas visa over stayers from cultures similar to our own are not generally the subject of community concern.

Information and education programs should address the international issues that cause the forced displacement of people. Globalisation, an economic rational approach to governance and change in social and economic structures, and how that affects the individual, has never been explained sufficiently to the Australian population.

How can we encourage regional communities to support the Humanitarian Program?

The current response by many Australians to asylum seekers demonstrates a concern and a desire to adopt a positive approach to welcome those seeking asylum into communities and towns. As an example, Rural Australians for Refugees has groups in many parts of Australia. Regional community members have developed solutions and ideas. These concepts could be considered and developed in consultation with government.

The response given above to '*How can we encourage broader community approval of refugees?*' addresses some of the issues preventing acceptance for humanitarian entrants in regional areas. Migration to regional areas is dependent on employment opportunities, educational and support facilities, ethnic and cultural understanding and acceptance.

Migration and settlement of people from different cultures, religious backgrounds etc., has to be promoted as a positive for Australia.

There is a need to ensure that specialised services such as torture/trauma counselling are available in regional communities. Some Church agencies have advised that humanitarian entrants who have attempted to settle in regional areas have relocated to city areas due to isolation and the desire to be in closer contact with other members of their community, and also for educational and employment related opportunities.

Regional communities require workers to support existing volunteer groups and to work with mainstream services and to enhance access to services.

DIMIA should research the factors that either enable or prevent successful settlement for humanitarian entrants in regional areas.

Off-shore processing of asylum seekers

While this subject is not in the Discussion Paper for the 2004/2005 Humanitarian Program, we wish to make the following points:

Those claiming asylum inside Australia's territorial waters should be escorted for processing by Navy personnel to ensure their safety. All procedures conducted by Australian civilian and military border protection authorities in regard to the detection, maritime surveillance, interception, and migration processing or removal of suspected illegal entry vessels, should be at all times consistent with Australia's moral and legal obligations to observe safety of life at sea operational requirements. The lives of asylum-seekers are no less important than the lives of any other persons known or feared to be at risk at sea, and this principle must not be compromised in any way.

The Christmas Island facility should not be used to isolate asylum seekers from advice and assistance. After initial identity, health and security checks they should be moved to the mainland and placed into a structured program in the community, while awaiting the processing of their protection visa claim. The so-called "Pacific Solution" should be abolished along with the concept of a distinct Australian Migration Zone. Asylum seekers entering Australian territory should be processed by Australian officials and given protection in Australia.