



Australian Government

**Department of Immigration
and Border Protection**

Australia's Humanitarian Programme 2016-17

Discussion paper

Introduction

The Australian public is invited to provide their views on the management, size and composition of Australia's Humanitarian Programme (the Programme) for 2016-17 and future years.

Each year, the Australian Government seeks the views of the Australian public on the Programme, which are taken into consideration in programme planning and development. The ongoing success of the Programme can only be achieved if it continues to have public support.

An annual consultation process informs the Government's decisions about the size and composition of the Programme. This includes:

- consultation with state and territory governments and Commonwealth agencies
- consultation with peak refugee and humanitarian organisations
- consideration of the views of the Australian community based on feedback received on the annual discussion paper
- consideration of advice from the United Nations High Commissioner for Refugees (UNHCR) on global resettlement needs and priorities.

In determining the size of the Programme, the Government also considers Australia's capacity to facilitate the entry and settlement of humanitarian entrants.

This paper provides background information to help inform written submissions. It includes an overview of the international context in which the Programme operates and information about the Programme's key components and features.

If you would like to make a written submission on Australia's 2016-17 Humanitarian Programme or on the issues raised in this discussion paper, please email it to:

humanitarian.policy@border.gov.au

All submissions should be received by Sunday 27 March 2016.

Submissions received after this deadline may not be considered.

Aims of the Humanitarian Programme

The Programme aims to:

- provide permanent resettlement to those most in need, who are in desperate situations overseas, including in refugee camps and protracted humanitarian situations
- reunite refugees and people who are in refugee-like situations overseas with their family in Australia
- use resettlement strategically to help stabilise refugee populations, reduce the prospect of irregular movement from source countries of first asylum, and support broader international protection
- meet Australia's protection obligations.

Information about recent outcomes of the Programme can be viewed at Attachment A, and a short history of the Programme at Attachment B.

Components of the Humanitarian Programme

The Programme comprises the offshore resettlement and onshore protection components.

The offshore resettlement component offers resettlement in Australia for people overseas who are in the greatest need of resettlement and comprises visas granted under the Refugee category and the Special Humanitarian Programme (SHP) category.

The onshore protection component offers protection for people who **arrived lawfully** in Australia and who are found to be a refugee under the *Migration Act 1958*, or otherwise engage Australia's protection obligations under certain international treaties.

The Humanitarian Programme does not include places for people who have travelled to Australia illegally, including illegal maritime arrivals (IMA), unauthorised air arrivals and people transferred to regional processing centres. Temporary protection visas granted to people who arrive illegally in Australia are not included within the Humanitarian Programme.

Each year the Government sets the number of visas that may be granted under the Programme. The 2015-16 Programme has 13,750 places comprising:

- a minimum of 11,000 places for people offshore (including up to 1200 places for women at risk)
- the balance of places for people onshore who have arrived in Australia lawfully.

Offshore component

The offshore component of the Programme has two categories:

- Refugee category
- Special Humanitarian Programme (SHP) category.

The Refugee category assists people who are subject to persecution in their home country and for whom resettlement in Australia is the best durable solution. Australia works closely with the UNHCR, which refers most of the successful applicants for resettlement in Australia under this category.

Recent changes to the *Migration Act 1958*

On 4 December 2014, Parliament passed the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014* (RALC Bill). Part of this Bill specified the size of the Programme:

- 2015-16: minimum of 13,750 places
- 2016-17: minimum of 13,750 places
- 2017-18: minimum of 16,250 places
- 2018-19: minimum of 18,750 places.

The 2018-19 offshore component of the Programme will see Australia's largest intake from overseas in 30 years. This recent increase to the offshore component of the Programme demonstrates the Government's commitment to a strong humanitarian intake focused on those most in need of resettlement.

The Refugee category has four visa subclasses:

- **Refugee visa (subclass 200)** – for people who have fled persecution in their home country and are living outside their home country.
- **In-country Special Humanitarian visa (subclass 201)** – only a small number of visas are granted under this subclass, for people living in their home country who are subject to persecution.
- **Emergency Rescue visa (subclass 203)** – only a small number of visas are granted under this subclass for people outside their home country, who are in urgent need of protection because there is an imminent threat to their life and security. All applicants for this subclass are referred by UNHCR.
- **Woman at Risk visa (subclass 204)** – for women and their dependents who are subject to persecution in their home country or registered as being 'of concern' to UNHCR, are living outside their home country without the protection of a male relative, and are in danger of victimisation, harassment or serious abuse because of their gender.

The **SHP category (subclass 202)** is for people who are subject to substantial discrimination amounting to gross violation of their human rights and who are living outside their home country.

Applications for SHP visas must be accompanied by a proposal from an eligible Australian citizen or permanent resident, an eligible New Zealand citizen, or an organisation operating in Australia. If the SHP application is successful, proposers help the applicant pay for their travel to Australia and assist with their accommodation and initial orientation in Australia.

Australia's response to the Syrian humanitarian crisis

On 9 September 2015, the Government announced a package of assistance in response to the Syrian and Iraqi humanitarian crisis.

- A total of 12,000 humanitarian places have been made available for people displaced by conflicts in Syria and Iraq.
- Humanitarian assistance in the form of food, water, health care, education, emergency supplies and protection will be extended to people affected by the conflict in Syria and Iraq at a cost of \$44 million.

These 12,000 Humanitarian Programme places are in addition to Australia's existing Humanitarian Programme of 13,750 places. Priority for these places will be given to refugees who are:

- assessed as being most vulnerable – women, children and families with the least prospect of ever returning safely to their homes
- located in Lebanon, Jordan and Turkey.

Applicants for resettlement in Australia will be required to meet all criteria for a Refugee and Humanitarian visa, including health, character and security checks. These checks will be conducted before individuals are granted a visa to enter Australia.

Onshore component

Since September 2013, the onshore component of the Programme has been reserved for people who arrive lawfully, seek Australia's protection and are found to engage Australia's protection obligations because they are either found to be a refugee, or meet the Complementary Protection criteria in the *Migration Act 1958*.

People seeking asylum are assessed on a case-by-case basis, with reference to detailed and current information on conditions in their receiving country (that is, their country of nationality, or country of former habitual residence if they do not have a nationality).

This assessment also takes into account Australia's obligations under other human rights treaties to which Australia is a party, namely the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Applicants must also satisfy health, character and security criteria before they are granted Permanent Protection visas.

Recent changes to the *Migration Act 1958*

The RALC Bill re-introduced Temporary Protection visas (TPVs) and introduced Safe Haven Enterprise visas (SHEVs). These visas form part of the Government's border protection strategy to combat people smuggling and discourage people from taking dangerous voyages to Australia. Illegal maritime arrivals and unauthorised air arrivals who are found to engage Australia's protection obligations might be eligible to be granted a TPV or SHEV. These grants are not counted towards the Programme.

International context

UNHCR is the organisation mandated by the United Nations to lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee situations.

UNHCR promotes three durable solutions for refugees. These are:

- voluntary return to country of origin in conditions of safety and dignity
- local integration in the countries of first asylum and resettlement
- resettlement, which is pursued by UNHCR only if voluntary return or local integration is not feasible.

By end 2014, UNHCR estimates that 59.5 million individuals were forcibly displaced worldwide as a result of persecution, conflict, generalised violence or human rights violations. Some 19.5 million persons were refugees, 38.2 million internally displaced persons and close to 1.8 million asylum seekers.¹

Australia is one of only a small number of countries that operate an annual permanent resettlement programme and ranks in the top three resettlement countries each year, along with the United States and Canada.

Features of the offshore component

1. Use of resettlement in protracted refugee situations

Resettlement is used in a number of different refugee situations, including as:

- an instrument of protection for individual refugees, particularly those who are in compelling and/or vulnerable situations
- a durable solution for groups of refugees from intractable refugee situations
- a strategic tool that can be used to leverage solutions for the remaining refugee populations
- one element of a range of strategies to respond to humanitarian crises that result in large outflows, and alleviate pressures on host countries, as in the case of the current crisis in Syria and Iraq.

Resettlement provides a mechanism for UNHCR and the international community to establish a positive dialogue with host countries, facilitate continuing protection, and explore support for access to livelihood opportunities for the remainder of the refugee population. It is envisaged that expanding and maintaining protection opportunities in countries of first asylum may in turn have the effect of reducing pressures which lead to irregular migration and onward movement of people.

UNHCR and resettlement countries have identified a number of protracted refugee situations that would benefit from targeted and coordinated resettlement over a number of years. Using resettlement strategically in these situations provides benefits that extend beyond just the resettled refugees.

¹ United Nations High Commissioner for Refugees, *UNHCR Global Trends 2014 Report*

Contact / Core Groups

As part of the broader United Nations initiatives to encourage international cooperation on addressing humanitarian crises, Contact/Core Groups were established as a mechanism to achieve effective and coordinated resettlement of refugees in protracted situations. The Groups include representatives from UNHCR and resettlement States with each group focusing on one protracted situation. Members of the Groups work collaboratively to ensure greater predictability and sustainability of the resettlement effort, which in turn provides enhanced protection mechanisms and livelihood strategies for the remaining population of refugees in host countries.

There are currently six Contact/Core Groups; the first five include Australia:

- Core Group for Bhutanese refugees in Nepal (*Australia is Chair*)
- Contact Group for Afghan refugees in Iran
- Contact Group for Afghan refugees in Pakistan (*Australia is Chair*)
- Core Group for Syrian refugees
- Contact Group for Congolese refugees
- Contact Group for Colombian refugees.

Over a number of years, Australia has resettled significant numbers of refugees from protracted refugee situations including Burmese (Myanmese) in Thailand and Malaysia and Bhutanese in Nepal.

2. Woman at Risk visa

The Woman at Risk visa is a special visa subclass within the Refugee category, which was established in 1989 in recognition of the priority given by UNHCR to the protection of refugee women who are in particularly vulnerable situations. Vulnerable women at risk and their dependents are a high priority for resettlement in the 2015-16 programme, with 1200 places made available under this visa subclass.

Australia is one of only a small number of countries that manage dedicated refugee settlement programmes for women at risk and their dependents.

3. Community Proposal Pilot (CPP)

The CPP was introduced on 1 June 2013 to provide an additional resettlement pathway for people in humanitarian situations overseas and harness the willingness and ability of communities to support their resettlement in Australia. The CPP provides for up to 500 places within the offshore component of the 2015-16 Programme.

The CPP aims to test the capacity of the Australian community to provide a substantial financial contribution towards the costs of humanitarian settlement and practical support to assist humanitarian entrants to settle successfully.

Through the CPP, organisations approved by the Department, known as Approved Proposing Organisations (APOs), work with community organisations and families to:

- propose the applicant
- ensure all costs associated with the application are paid
- provide practical support to assist humanitarian entrants to settle in the community, similar to support currently provided to humanitarian entrants under the Humanitarian Settlement Services Programme.

Applicants under the CPP are required to meet standard criteria for a humanitarian visa, including health, character and security requirements.

The Department is undertaking an evaluation of the CPP which will inform Government consideration of the potential for a fully-fledged Community Sponsorship Programme.

Pre-departure and settlement services

The resettlement of refugees and others in humanitarian need to Australia is supported by a range of comprehensive pre-departure and settlement services provided by the Government. These services are critical for supporting new arrivals towards inclusion and active participation in Australian society.

The Department of Social Services (DSS) is responsible for delivering pre-departure and settlement services, and the DSS website provides further information about [Settlement Services](#).

Further information on the Humanitarian Programme

The Department of Immigration and Border Protection website:

- [Refugee and humanitarian programme](#)
- [The Special Humanitarian Programme \(SHP\)](#)
- [Community Proposal Pilot](#).

Questions

Please provide your views to inform the management, size and composition of Australia's Humanitarian Programme.

1. In your view, how many places should Australia attribute to the offshore component of its Humanitarian Programme?
2. What do you think should be the proportion split between the SHP and Refugee categories in the offshore component of its Humanitarian Programme?
3. To which regions (Africa, Asia or Middle East) do you think most places should be allocated?
4. In your view, how important is the Woman at Risk programme?
5. Should the available places under CPP be increased?
6. Do you have other comments, particularly on the offshore component of the 2016-17 Programme?

Outcomes of the 2014-15 Humanitarian Programme

In 2014-15, a total of 13,756 visas were granted under the Programme. This included 2747 grants under the onshore component and 11,009 grants under the offshore component. In the offshore component, 6002 (55 per cent) were Refugee visas and 5007 (45 per cent) were SHP visas.

In 2014-15, 1009 Woman at Risk visas were granted. The top five countries of birth for this programme year were Afghanistan, Burma, the Democratic Republic of the Congo, Eritrea and Ethiopia.

The Community Proposal Pilot (CPP) programme commenced on 1 June 2013. The first visa applications in the CPP were lodged in October 2013, and the first visas were granted in February 2014.

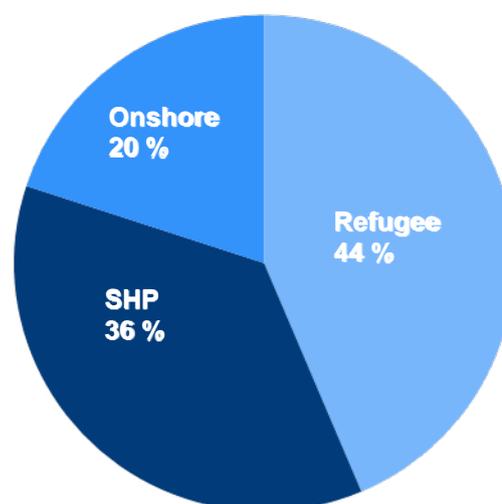


Table 1 – Humanitarian Programme outcomes by component and category 2014-15

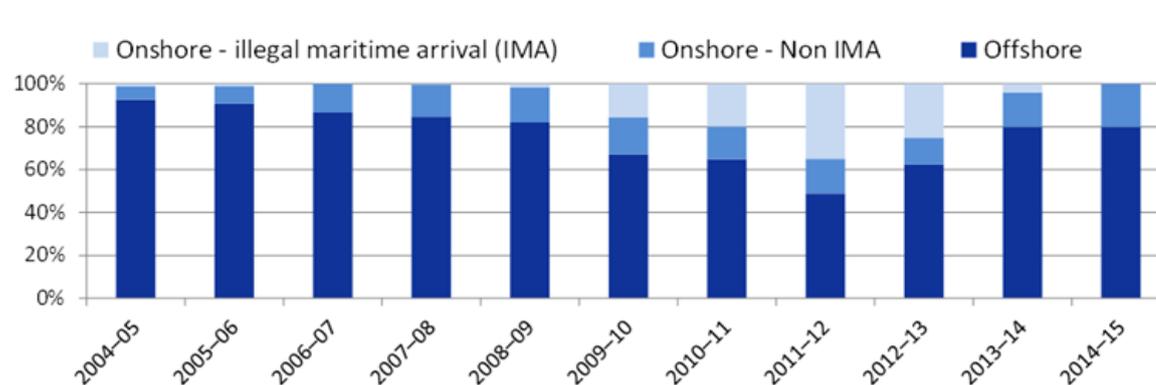
Component	Visa category	Visa grants
Offshore	Refugee	6,002
	SHP	5,007
	Sub-total	11,009
Onshore	Protection (permanent) ¹	2,747
	Sub-total	2,747
Total Programme grants 2014-15		13,756

Note:

1. One IMA applicant was granted a permanent Protection visa in February 2015 as a result of the High Court ruling in relation to refusal in the national interest (S297/2013 v MIBP).

For more information on the 2014–15 Programme see the Department's fact sheet [Australia's Refugee and Humanitarian Programme](#).

Onshore/offshore balance within the Programme



A flexible programme

The Programme operates flexibly to respond effectively to evolving humanitarian situations and global resettlement needs. The table and figures below illustrate the shifting composition of the Programme over past years.

Table 2 – Top 10 nationalities² within the offshore component 2010-11 to 2014-15

Offshore Humanitarian programme

Rank	2010–11	2011–12	2012–13	2013–14	2014–15
1	Iraq	Myanmar	Iraq	Afghanistan	Afghanistan
2	Myanmar	Iraq	Afghanistan	Iraq	Myanmar
3	Afghanistan	Afghanistan	Myanmar	Myanmar	Iraq
4	Bhutan	Bhutan	Bhutan	Syria	Congo (DRC) ³
5	Congo (DRC)	Ethiopia	Congo (DRC)	Bhutan	Syria
6	Ethiopia	Congo (DRC)	Iran	Iran	Somalia
7	Sri Lanka	Eritrea	Somalia	Congo (DRC)	Eritrea
8	Iran	Iran	Sudan ⁴	Eritrea	Bhutan
9	Sudan	Somalia	Eritrea	Somalia	Ethiopia

Notes:

- Nationality is based on country of birth. The country of birth of principal visa applicants is applied to secondary visa applicants.
- Congo (DRC) refers to the Democratic Republic of the Congo.
- 'Sudan' refers to people from both Sudan and South Sudan.

A short history of the Humanitarian Programme

Australia has a proud record of resettling refugees and people in humanitarian need from around the world. Humanitarian resettlement programmes in Australia began in 1947, with the resettlement of people who had been displaced by World War II. Since then, Australia has welcomed more than 825,000 people from different countries under the Programme, in response to changing global resettlement and humanitarian needs.

They include:

- 1947-1954 - 170,000 Eastern Europeans displaced during World War II
- Mid 1950s-late 1960s - thousands of refugees from crises in Europe, including the Hungarian uprising and the Warsaw Pact military intervention in Czechoslovakia
- Early 1970s - more than 16,000 people from Central and South America following political turmoil in their countries
- Since 1975 - around 18,000 Lebanese displaced by civil war
- Since late 1970s - over 90,000 refugees from the Middle East and South West Asia
- Since late 1980s – around 70,000 refugees from the Africa region.

1977

The Government introduced a new national refugee policy. This included:

- establishing a regular and planned Programme
- engaging with the international community to resolve refugee situations
- establishing an efficient and fair mechanism for refugee status determination onshore.

1981

The Special Humanitarian Programme (SHP) was introduced for people who, while not identified as refugees, were living outside their home country and were subject to substantial discrimination amounting to a gross violation of human rights in their home country and had family or community ties to Australia.

Mid-1980s

The Programme had a global focus, with priority given to applicants who had family or other close links to Australia. The Programme also included up to 40 nationalities, including people from Eastern Europe, Latin America and the Middle East.

Late 1980s

The Woman at Risk and Emergency Rescue visa provisions were introduced.

1991

The Special Assistance Category (SAC) was introduced for groups of people with close links to Australia who were in vulnerable situations but whose circumstances did not fit into the traditional humanitarian resettlement criteria. SACs were introduced for groups such as Soviet minorities,

East Timorese, citizens of former Yugoslavia, Burmese, Vietnamese, Cambodians, Sri Lankans and Sudanese.

Late 1990s and early 2000s

Europe was the largest source region for the Programme with around half of all those resettled between 1998 and 2001 coming from the former Yugoslavia. During the same period, the proportion of resettlement from Africa increased from around 16 per cent in 1998 to a peak of 70 per cent between 2003 and 2005.

Since 2004

Asia has been a key focus of the Programme, with the resettlement of some 18,000 refugees from Burma (Myanmar) including those in protracted refugee camps along the Thai-Burma border, in Malaysia and in India. Australia has also resettled some 5200 Bhutanese refugees from Nepal since 2007–08.

Recent years

The Middle East and South West Asia have been focus regions of the Programme recently. Significant numbers of people from these regions continue to be in need of humanitarian assistance due to conflicts, primarily in Afghanistan and Iraq, and more recently in Syria. Resettlement from this region has increased from an average of around a third of the Programme from 1998 to 2009 to over half of the Programme since 2012–13.