

# STRONGER TOGETHER

The impact of family separation on refugees  
and humanitarian migrants in Australia





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**Disclaimer:** All opinions offered in this document are the opinions of the authors at Oxfam Australia and not Deloitte Access Economics, Monash University nor the families featured in this report.

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Melbourne, Australia: Lucy holds an old photo of her daughter Susan. The mother and daughter were separated in Sudan in 1988, due to civil war, and they eventually reunited six years later in Australia. Photo: Kim Landy/OxfamAUS.

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# EXECUTIVE SUMMARY

**We need our families most in difficult times. When we feel alone, upset or we are struggling in a new environment, a brother, sister, parent or even an aunt or uncle can make a world of difference. And yet, for many people uprooted by crisis, the moment when they need family most is the moment when they are forced to separate as they flee.**

Refugees and humanitarian migrants in Australia can remain separated from family members for years or sometimes indefinitely because of restrictive and unfair rules around family reunion. This was the case for Dabessa (see page 24), who waited many years to be able to hold his wife's hand again.

For many people who find sanctuary in Australia, ongoing forced separation from loved ones affects their ability to build a new life in Australia. The lack of family reunion opportunities in Australia significantly impacts people with refugee backgrounds, affecting their ability to obtain an education, find and hold stable employment, and develop new social networks. This takes a toll on the wellbeing of individuals, families and the wider community.

Currently, the Australian Government offers limited opportunities for family reunion for refugees and humanitarian migrants, and the barriers to successful applications are high. However, family reunion offers humanitarian migrants the best chance to rebuild their lives on a firm footing — with their family by their side. Australia should establish a new Humanitarian Family Reunion visa stream within an increased Refugee and Humanitarian Program to make family reunion for humanitarian migrants more accessible.

As this report shows, Australia stands to reap significant long-term economic benefits from increasing our intake of people seeking safety.

New economic modelling undertaken by Deloitte Access Economics for Oxfam<sup>1</sup> found that increasing Australia's Refugee and Humanitarian Program could have notable positive impacts on the broader economy. An increase in the humanitarian intake from 18,750 in 2019–2020 to 44,000 by 2022–2023 would:

- increase the size of the Australian economy by \$37.7 billion in net present value terms<sup>2</sup> over the next 50 years. On average, Gross Domestic Product (GDP) could be \$4.9 billion greater annually (in \$2017–2018<sup>3</sup>) between 2018–2019 and 2067–2068;
- sustain on average an additional 35,000 full-time equivalent jobs in the Australian economy every year for the next 50 years; and
- increase demand for Australian goods and services by \$18.2 billion<sup>4</sup> in net present value terms.

The positive economic impacts increase over time, particularly as humanitarian migrants settle into life in Australia, finish education or retraining, and enter the labour force. There is opportunity to meet the labour force needs in key expanding sectors, like health and aged care, which are projected to undergo a large increase in demand for labour. Humanitarian migrants are also known to be entrepreneurial, creating new businesses and jobs in Australia.

In spite of initial challenges and barriers to settling in a new country, refugees and humanitarian migrants make a significant positive contribution to the Australian economy and society. We can and must do more to welcome our fair share of displaced people and their families.

Refugees have formal rights and protections, which are enshrined in the Refugee Convention of 1951. The families, both in Australia and overseas, waiting to be reunited include refugees and other humanitarian migrants who may not be registered as refugees with UNHCR, the United Nations Refugee Agency. For ease of reading, this paper predominantly utilises “humanitarian migrants” as an umbrella term. However, Oxfam recognises that refugees are entitled to specific legal status and rights and calls for these to be upheld.

<sup>1</sup> All opinions offered in this document are the opinions of the authors at Oxfam Australia, and not Deloitte Access Economics. The research conducted by Deloitte Access Economics (*Economic and social impact of increasing Australia's humanitarian intake*) was to provide evidence on the economic and social impact of an increase to the Refugee and Humanitarian Migration Program over a five-year period to reach an annual intake of 44,000 people.

<sup>2</sup> \$2017–2018 and 7% discount rate

<sup>3</sup> The value in 2017–2018 terms

<sup>4</sup> Ibid.

## The global outlook

In almost every corner of the world, people are forced to flee their homes for many different reasons. Some are driven by hardship and violence, disaster and conflict, or in many cases, a complex combination of different factors. As a humanitarian and development organisation, Oxfam has a long history of working with displaced people, not only helping them meet their immediate basic needs — for clean water, shelter, food and dignified work — but also advocating for peaceful resolutions to the crises or conflicts that forced them to flee their homelands.

The number of people being forced to flee conflict or persecution is growing at an alarming rate each year. For the seventh successive year, UNHCR, the UN Refugee Agency has revealed record numbers of refugees, people seeking asylum and forcibly displaced people around the world. In 2018, 70.8 million people were forced to flee their homes worldwide, somewhere between the population of Thailand and Turkey. Many of the displaced communities with whom we work live in prolonged destitution in refugee camps and host communities in poor countries, without access to basic rights. Responding to the refugee crisis is first and foremost about saving lives, but it is also about helping those who flee to thrive and contribute to the rebuilding of their future.

By signing both the *New York Declaration on Refugees and Migrants* in 2016, and the *Global Refugee Compact* in 2018, Australia has committed to action that will both increase the resettlement opportunities for refugees, as well as improve the availability of complementary pathways for resettlement, including through family reunion.

Australia has a strong, positive history of refugee resettlement and a capacity to resettle those most in need. However, those lucky enough to find refuge and build a new life in Australia are currently being held back from fully settling because they are without the people they love due to an overly complex and bureaucratic migration framework.

## Oxfam's recommendations

At a time of unprecedented global displacement, Oxfam is calling on the Australian Government to lead by example, by proactively helping more humanitarian migrant families to rebuild their lives in Australia. This requires changing the rules to better recognise the true nature of families, whatever their shape or size.

The Australian Government should:

1. create a Humanitarian Family Reunion visa stream within the Refugee and Humanitarian Program, of 10,000 places annually, that is specifically designed to make it easier for refugees and humanitarian migrants to be reunited with their family members; and, at the same time
2. progressively increase Australia's overall Refugee and Humanitarian Program to 44,000 places by 2022–2023, inclusive of the Humanitarian Family Reunion visa stream, and with 22,000 places allocated to UNHCR-referred refugees. This number should be reviewed annually, in order to be consistent with Australia's fair share and to allow for capacity to respond to emergency protection needs.

This paper provides an overview of the global context of forced displacement and draws on recent data to explore the specific impacts of separation for humanitarian migrants — on individuals, families and the community more broadly. The paper discusses the barriers that currently stand in the way of family reunion, and presents new social and economic analysis pertaining to humanitarian migrants as a whole, to show the benefits to be realised both by increasing the overall refugee and humanitarian intake and, within this, by reuniting families.

This is an opportunity for the Australian Government to act in response to growing global needs and, in doing so, remove some of the obstacles that prevent families from reuniting. Ensuring the right of refugees and humanitarian migrants to family unity and streamlining reunification procedures are critical to the inclusion of refugees within Australia.



Melbourne, Australia: Lucy (pictured right) and her daughter Susan (pictured left) proudly hold Susan's daughter Sophia\*. Lucy and Susan were separated in Sudan in 1988, due to civil war, and they eventually reunited six years later in Australia. The family is pictured in the backyard of Susan's home. Photos: Kim Landy/OxfamAUS.

\* Name changed to protect identity.



## CASE STUDY:

# LUCY'S STORY

**Lucy is from South Sudan\*. She has lived in Australia since 1991. Lucy was separated from her three-year-old daughter Susan in 1988 due to civil war in Sudan. They were eventually reunited in Australia in 1994.**

Lucy's experience of war is embedded in her memory. She says, "The war it came close to the city and then in 88 they started bombing the city. They started shelling, bombing the city, and so people started finding their way to escape — to walk, to run — you have to escape to the nearest border country."

Little Susan was spending the weekend with her uncle (Lucy's brother) and cousins when the city was bombed. They fled to Uganda to escape the violence, leaving Lucy behind with no knowledge of their whereabouts.

Lucy says, "They escaped and they left me behind. And then it became intense and there wasn't food in the city, there was nothing.

"I wasn't able to get any contact; there was no telephones, no letters ... no other way for communication."

### The trauma of separation

Lucy was devastated by the loss of her daughter: "I felt lost. I felt like something very special is missing. I don't have my daughter and I don't know where she's gone, and there's war ... We don't know whether she was safe with my brother, where they've gone, or if [they've] been killed."

"My heart was broken. I didn't know what to do — I just felt empty."

"The stories keep coming that lots of people died on the way. They say they were walking, they got kidnapped, they got killed, the girls got raped ... All the bad things are going through my mind that I don't know whether she's alive."

A year later, as the situation deteriorated in Sudan, Lucy and her ex-husband escaped to Nairobi, Kenya. She made contact with another brother Ben, who lived in Australia, and applied for a Family Reunion visa. In 1991, she made Australia her new home but, without her precious daughter Susan, the picture was incomplete.



Lucy says, "When I arrived in Australia, I didn't know where she was. I didn't know."

As it turned out, a few years earlier, Ben had travelled to Uganda to visit a refugee camp where Sudanese people from his family's village were believed to have found refuge. He photographed some of the people he met at the camp.

Ben shared these photographs with Lucy when she arrived in Australia and — much to her surprise and delight — she spotted Susan's familiar face in the photos.

Lucy says, "I was so happy ... you just feel full of joy in your heart, you feel like you are alive, you can breathe."

They instantly set about contacting Susan and finding a way to bring her to Australia. It took three years for Susan's Family Reunion visa to be granted, so she was nine years old by the time she finally reunited with her mother in Australia in 1994.

## Finding sanctuary

The six-year separation ruptured Lucy's bond with her daughter. Susan had grown up in the refugee camp, in the care of her uncle, so Lucy was like a stranger to her.

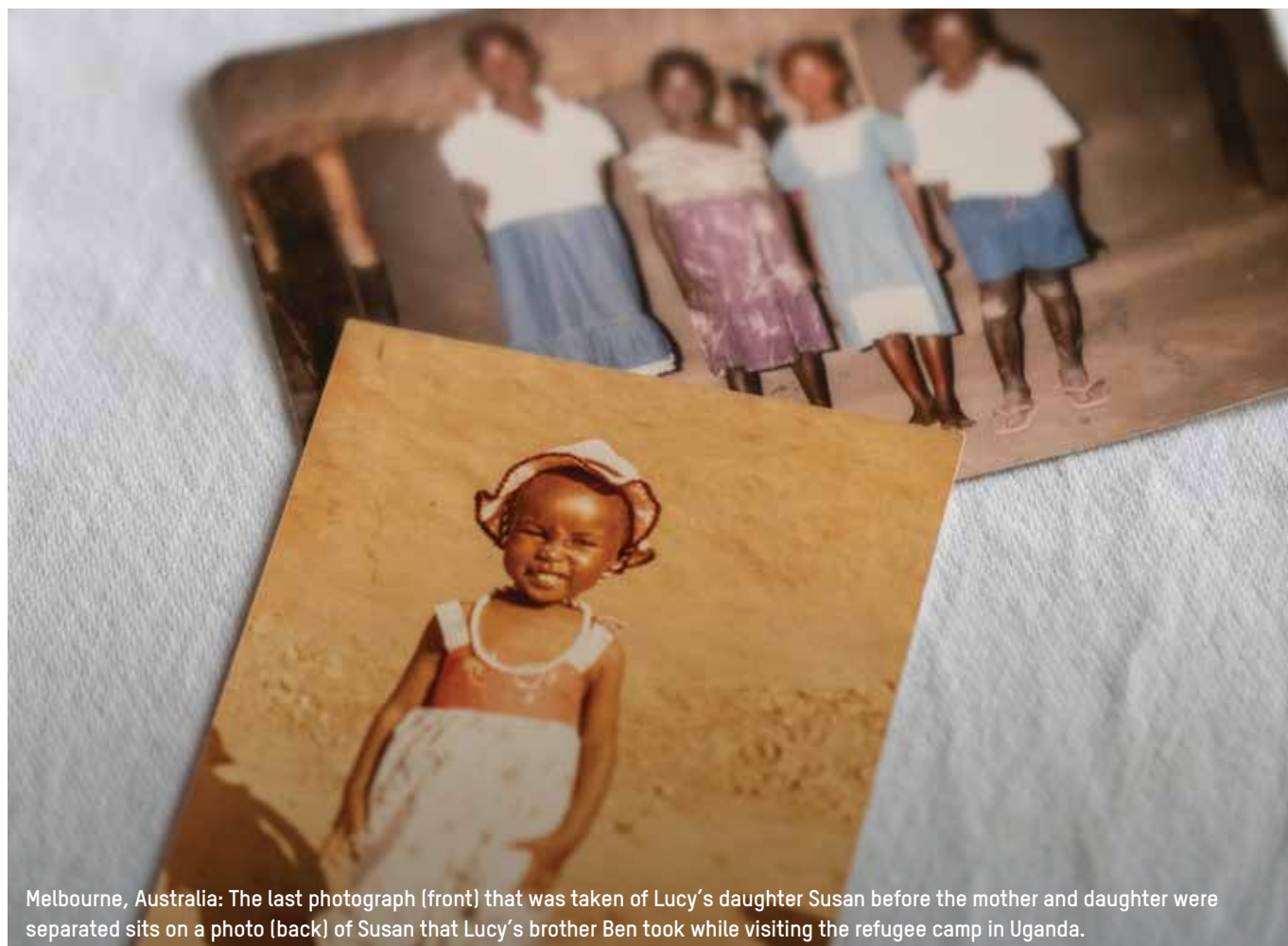
Lucy says, "It took us a lot of time for us to heal, to understand each other."

In time, Susan reconnected with her mother, overcame her feelings of abandonment, and embraced her new home in Australia.

There were hurdles along the way. Susan had to learn a new language and navigate a new culture. She also encountered challenges in school. But she persevered and today draws upon those experiences to motivate her work in the community, especially with young people.

Lucy reflects on the challenges of separation: "A refugee doesn't have a choice because they have to go, they have to run."

"You go because you need to leave ... if you don't escape to another country, you'll die."



Melbourne, Australia: The last photograph (front) that was taken of Lucy's daughter Susan before the mother and daughter were separated sits on a photo (back) of Susan that Lucy's brother Ben took while visiting the refugee camp in Uganda.





"Separation is not a choice, nobody's choice. Separation is the biggest trauma and is the biggest torture. Even if you are here in Australia, if you are separated, the only way that will heal — that pain and that trauma — is to get reunited with [your] loved ones."

"If you don't have that reunion and you are missing your family member, your life will always be torn apart — you can't settle. You can't do any better; your life will be done. In that case, I'm very lucky that I was able to get reunited with Susan."

## Stronger together

The reunion was a critical part of the healing process for Lucy. She explains, "That helped a lot for me and my family, for us to get reunited with Susan, because it brings us together and it makes us a whole — one family — and we both heal. Even if we went through that war, you can move forward because you [tell yourself], 'Okay, that was history now, so we moving forward because now we are all together — we are one, we are strong.'"

"Family reunion is a very strong thing to heal the wounds of the war."

Family is also very important to Susan. She explains, "For me, it's about providing a sense of belonging. As humans, we need to have that belonging, I think it's part of our identity ... it's important to know you belong somewhere, and to know where you belong. I'm very proud of my family now."

Lucy agrees: "Now, my life is better, and now I feel complete. I've got my family together so I feel complete."

These days, the bond between the mother and daughter is strong, made even stronger by the recent birth of Susan's daughter Sophia\*\*.

Lucy says, "I'm blessed now to have a granddaughter and have [Susan] as well."

"I'm very proud of Susan. She is very strong, with all the challenges and hardship she went through. And I believe that when you go through a lot of hardship, it makes you a strong woman and makes you a strong person."

"Susan has achieved a lot ... she is a very determined woman."

"She is very organised and very certain. And I'm very proud of her — the whole community is proud of her."

"She is a hardworking woman. If there's anything in the community, she gets involved ... she does a lot with the community. She never sits back and watches things go. She's always there, one step ahead."

Lucy is happy with the life that her family has made here in Australia. She says, "I feel very proud of this country ... I feel that I'm very lucky."

"And I'm so grateful that Australia is opening doors for refugees to come in a proper way, in a good way, through the process."

\* South Sudan became an independent country in 2011.

\*\* Name changed to protect identity.

# FORCED TO FLEE — A PERSONAL, FAMILY AND GLOBAL CRISIS

## A crisis of forced displacement

We are living in a time of immense challenges for people forced to be on the move around the world. At the end of 2018, 70.8 million people had been forced to flee their homes.<sup>5</sup> While displacement is not a new phenomenon, the scale of the current crisis is unprecedented. For yet another year, the number of people forcibly displaced around the world remains at a record high, with the number of refugees and people seeking asylum greater than at any point since records began.<sup>6</sup>

The scale and enormity of this displacement can mask the individual human tragedies unfolding before our eyes. Behind these statistics are mothers, fathers, brothers, sisters, aunts, uncles, grandmothers, grandfathers, sons and daughters — people with hopes, ambitions and loved ones they rely on and seek to protect.

There are many reasons why people are forcibly displaced or become refugees or humanitarian migrants. They can be forced to leave due to the chaos of war or as a result of natural disasters, which are becoming more frequent due to climate change.<sup>7</sup> They can be fleeing persecution due to political or religious beliefs, because of their ethnicity or nationality, or because they are lesbian, gay, bisexual, transgender or intersex (LGBTI). However, the underlying feeling experienced by all refugees and people forced to flee is one of compulsion — they are driven to leave home and seek safety elsewhere.

Most people forced to flee their homes, their neighbours and their communities end up as internally displaced persons (IDPs) — people displaced within their own countries. At the end of 2018, there were 41.3 million IDPs. Some people flee across the border into neighboring countries to seek asylum and refugee status. In 2018, nearly four out of every five refugees lived in countries neighbouring their countries of origin.<sup>8</sup> While the global refugee population stood at 25.9 million at the end of 2018, the reality is that only a tiny portion of those legally defined as refugees will be able to use safe and legal mechanisms to resettle in a third country.<sup>9</sup> The effects of displacement impact particularly on women and girls, exacerbating the discrimination and violence that many face daily. Women and girls make up around 50% of any refugee, or internally displaced population<sup>10</sup>, and are the most likely victims of sexual and gender-based violence, trafficking and exploitation, and early forced marriage.<sup>11</sup> Women and girls are also differentially affected by the secondary impacts of displacement, including lack of access to maternal and reproductive services.<sup>12</sup>

Oxfam works in 79 countries worldwide, tackling the root causes of forced migration — including conflict, poverty and hunger — and responding to crises when they occur. In 2017–2018, Oxfam country teams and local partners reached more than 22 million people around the world with life-saving interventions and programs. Oxfam provided clean water and toilets for refugees in Bangladesh, Tanzania, Lebanon and Jordan, as well as



5 UNHCR (2019) *Global Trends: Forced Displacement* in 2018, p.4.

6 Ibid.

7 On average, 21.8 million people were reported newly internally displaced by sudden onset extreme weather disasters each year between 2008 and 2016. See Oxfam International (2017) *Uprooted by climate change: Responding to the growing risk of displacement*, p.6.

8 UNHCR (2019) *Global Trends: Forced Displacement* in 2018, p. 2.

9 UNHCR reported a gap between needs and actual resettlement places in excess of 90% for 2018. See UNHCR (2019) *Global Trends: Forced Displacement* in 2018, p.30.

10 UNHCR, *Women*. Available from: <https://www.unhcr.org/en-au/women.html>

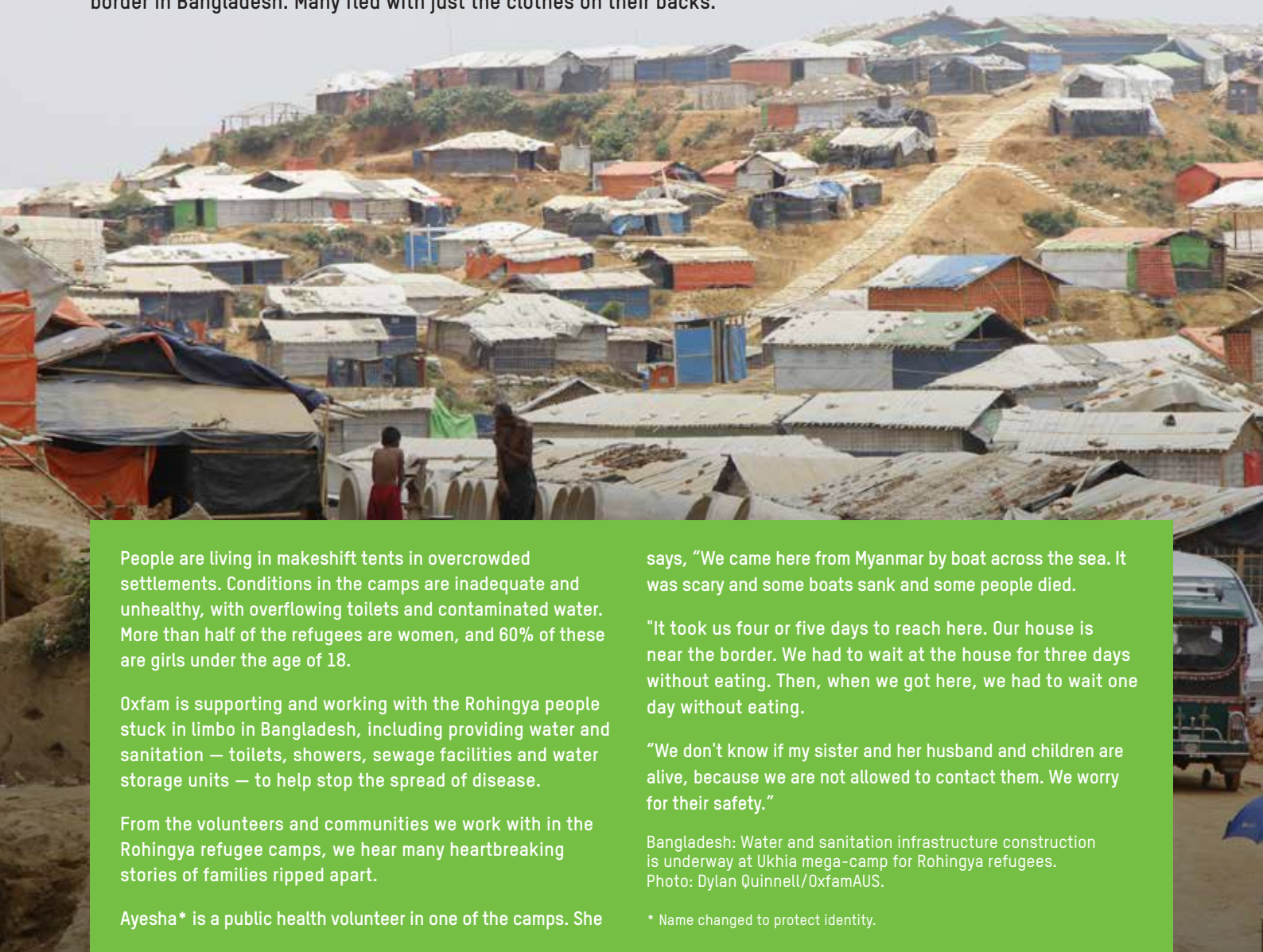
11 Kaya, Zeynep and Bond, Hannah (2019) *Women, peace and security and displacement in the Middle East*, p.11.

12 Ibid.

## CASE STUDY:

# AYESHA'S STORY

Close to one million Rohingya people have fled violence and persecution in Myanmar to seek refuge across the border in Bangladesh. Many fled with just the clothes on their backs.



People are living in makeshift tents in overcrowded settlements. Conditions in the camps are inadequate and unhealthy, with overflowing toilets and contaminated water. More than half of the refugees are women, and 60% of these are girls under the age of 18.

Oxfam is supporting and working with the Rohingya people stuck in limbo in Bangladesh, including providing water and sanitation — toilets, showers, sewage facilities and water storage units — to help stop the spread of disease.

From the volunteers and communities we work with in the Rohingya refugee camps, we hear many heartbreaking stories of families ripped apart.

Ayesha\* is a public health volunteer in one of the camps. She

says, “We came here from Myanmar by boat across the sea. It was scary and some boats sank and some people died.

“It took us four or five days to reach here. Our house is near the border. We had to wait at the house for three days without eating. Then, when we got here, we had to wait one day without eating.

“We don't know if my sister and her husband and children are alive, because we are not allowed to contact them. We worry for their safety.”

Bangladesh: Water and sanitation infrastructure construction is underway at Ukhia mega-camp for Rohingya refugees. Photo: Dylan Quinnell/OxfamAUS.

\* Name changed to protect identity.

food and access to legal advice for refugees in Greece, Italy, Serbia and the former Yugoslav Republic of Macedonia. Oxfam also works with people who have been forced to flee their homes but remained in their country of origin, in places like Yemen and South Sudan.

For Oxfam, responding to refugee crises is first and foremost about saving lives, but it is also about helping those who flee to thrive and contribute to the rebuilding of their future. The responsibility for hosting refugees is overwhelmingly shouldered by countries that can least afford to do so. In 2018, the top 10 refugee-hosting countries combined (which includes four of the world's least-developed countries<sup>13</sup>) hosted approximately 62% of all refugees under the mandate of UNHCR, the UN Refugee Agency.<sup>14</sup>

<sup>13</sup> Top 10 refugee hosting countries include Turkey, Pakistan, Germany, Islamic Republic of Iran, Lebanon, Jordan, as well as Bangladesh, Ethiopia, Uganda and Sudan, which are also classified as least-developed. Committee for Development Policy (2018) *List of Least Developed Countries (as of December 2018)*.

<sup>14</sup> UNHCR (2019) *Mid-year Trends 2018*, p.9.



Amid the chaos of conflict and violence, people easily lose track of one another while fleeing, just at the time when they need each other the most. In the urgent search for safety, families can become separated and scattered, forced to follow different routes as they flee due to limited opportunities or resources. While displaced people take various routes to safety, a common thread running through many experiences is the breakdown of the family unit. Consequently, separation of family is an “almost universal consequence of refugee experiences.”<sup>15</sup>

Being separated from loved ones is difficult for anyone. But the separation experienced by humanitarian migrants and their families is even more traumatic due to its often involuntary and rapid nature. Knowledge of family whereabouts and longing for family unity are crucial themes in the lives of refugees worldwide. Upon receiving protection status, family reunion is a humanitarian migrant’s first intention.<sup>16</sup>

Refugees have formal rights and protections, which are enshrined in the United Nations Convention Relating to the Status of Refugees (the Refugee Convention) of 1951. The families, both in Australia and overseas, waiting to be reunited include refugees and other humanitarian migrants who may not be registered as refugees with UNHCR. For ease of reading, this paper predominantly utilises “humanitarian migrant” as an umbrella term. However, Oxfam recognises that refugees are entitled to specific legal status and rights and calls for these to be upheld.

## The impact of family separation

Refugees and humanitarian migrants in Australia are no different. For humanitarian migrants in Australia, family separation has “devastating psychological, economic and social impacts”<sup>17</sup> and detracts from refugees’ ability to effectively and productively settle into life in Australia.<sup>18</sup>

A research collaboration with Oxfam and Monash University reveals that family unity is important to successful resettlement of humanitarian migrants in Australia in terms of enhancing social inclusion, integration and cohesion.<sup>19 20</sup> Young people arriving through humanitarian streams have reported high levels of psychological trauma and stress.<sup>21</sup> While the effects of trauma experienced in home countries undoubtedly follow individuals into their new settlement contexts, the concern and ambiguity around the safety of family members left in conflict situations weighs heavily.<sup>22</sup> This concern extends to fiscal uncertainty for family members, and the subsequent financial stress while providing remittances for family members left in crisis situations.<sup>23</sup>

Those experiencing family separation and waiting for family overseas to join them in Australia had a higher probability of mental illness and post-traumatic stress disorder (PTSD), and were more likely to have had no engagement in study or job training.<sup>24</sup> Family separation can alter family dynamics and roles. Children may be forced to take on adult responsibilities, while parents can find themselves financially vulnerable.

There is also gender disparity in the settlement experience. The effects of family separation are greater for women who are more likely to be single parents, unemployed, experiencing financial hardship and therefore less likely to be sending money to family overseas, all of which pose risks to their mental health.<sup>25</sup> The wellbeing of women during resettlement is deeply connected to the wellbeing of their families.<sup>26</sup> These findings highlight issues arising from family separation that have associated economic costs — for example, to health services — that would likely be alleviated by increased family reunion for humanitarian migrants.

Family reunion is an important factor in successful integration and in ensuring good mental health. Many humanitarian migrants have loved ones who are living in precarious situations inside or outside refugee camps or in other host countries, or are still in a

15 Wilmsen, Brooke (2011) Family Separation: The Policies, Procedures, and Consequences for Refugee Background Families. *Refugee Survey Quarterly*. 48. 44-64. p.63.

16 UNHCR (2013) *A New Beginning: Refugee Integration in Europe*, p. 70.

17 Refugee Council of Australia (2016) *Reuniting Refugee Families*.

18 Refugee Council of Australia (2015) *Submission into the Migrant Intake into Australia Inquiry*.

19 Wickes, Rebecca; van Kooy, John; Powell, Rebecca and Moran, Claire (2019) *The social impact of family separation on refugee settlement and inclusion in Australia*.

20 Monash’s research team analysed the Building a New Life in Australia (BNLA) dataset, specifically identifying several key variables focusing on family separation, settlement outcomes (English language acquisition, educational training and employment) and health and wellbeing. For more information, see Department of Social Services, Building a New Life in Australia: The Longitudinal Study of Humanitarian Migrants, available at: <http://www3.aifs.gov.au/bnla/>

21 Rioseco, Pilar and Liddy, Nadine (2018) *Settlement outcomes of humanitarian youth and active citizenship Economic participation, social participation and personal wellbeing*.

22 Okhovat, Sahar; Hirsch, Asher; Hoang, Khanh and Dowd, Rebecca (2017) ‘Rethinking Resettlement and Family Reunion in Australia’, 42(4) *Alternative Law Journal* 27

23 Ibid.

24 Wickes, Rebecca; van Kooy, John; Powell, Rebecca and Moran, Claire (2019) *The social impact of family separation on refugee settlement and inclusion in Australia*. pp.12,20, 22.

25 Ibid., p.7

26 Ibid., p.14

war zone. Many humanitarian migrants, who are working hard to successfully integrate into Australian society, find their hearts and minds remain with their family members who are struggling to survive. Family reunion enables people to develop social and cultural connections and helps people more easily settle into a new life in Australia.

Since early 2010, approximately 160 Karen people — an ethnic minority group from Myanmar — have resettled in Nhill, in regional Victoria. The successful social and economic integration of the Karen community in Nhill has been partially attributed to the fact that they were settled as family units with partners, children and elders.<sup>27</sup> This enabled the Karen community to fully engage and participate in the local community and economy.<sup>28</sup>

The lack of family reunion options within Australia's current migration policy significantly impacts on people's ability to obtain an education, find and hold stable employment, and develop new social networks.<sup>29</sup> Quite apart from the impact on individuals and their families, this has a significant long-term impact on the contribution people can make both to the economy and society. The first people to arrive are only able to fully focus on settling into Australia once reunited with family. Among other things, this is when they have additional family members to help provide care and support, and simultaneously, the new arrivals' integration is accelerated through assistance from those who arrived before them.<sup>30</sup>

Despite evidence from refugees, humanitarian migrants, peak bodies and service providers on the merits of keeping humanitarian migrant families together, the Government offers limited opportunities for family reunion. This is having a devastating impact on people trying to rebuild their lives in Australia.

Increasing the places available for family reunion is an area in which the Government can make an immediate and long-lasting impact. In doing this, it is critical that family reunion does not replace refugee resettlement. Refugee resettlement targets vulnerable refugees in need of protection, many of whom do not have the means or capacity to move towards safety without assistance, due to the vulnerabilities they face. Family reunion admissions should supplement, not replace, refugee resettlement.

Oxfam Australia has consistently acknowledged the significance of Australia's role and action as a resettlement country, and the commitment made by Australia under the Refugee and Humanitarian Program. However, Oxfam Australia has also consistently called for the Government to expand the Refugee and Humanitarian Program to address the current global need. The fact that Australia was able to temporarily increase the intake to 20,257 during 2016–2017 to enable a special intake of 12,000 people from Syria and Iraq demonstrates our recent capacity for an increased program.<sup>31</sup>

Australia is a signatory to both the *New York Declaration for Refugees and Migrants* (the New York Declaration)<sup>32</sup>, and the *Global Compact on Refugees* (GCR)<sup>33</sup>, both of which identify increased settlement opportunities and the expansion of "complimentary pathways" as key elements to increase international sharing of responsibility for global displacement. Family reunion is considered to be one of the complimentary pathways.<sup>34</sup> In signing the New York Declaration, Australia has committed to ensuring flexible arrangements that assist family reunion.<sup>35</sup> The GCR calls on countries to make commitments to facilitate effective procedures and clear pathways for family reunion.<sup>36</sup> Further, UNHCR has observed that expanding the use of such complementary pathways can "reduce the need for refugees to resort to irregular and dangerous onward movements".<sup>37</sup>

Australia has therefore committed to playing a global leadership role. Action on this commitment must include resettling our fair share of the world's refugees, commensurate with the size of our economy and capacity to welcome people into Australian society. This should be done by increasing both the allocation for refugee visa referred by the UNHCR, and by expanding existing complimentary pathways for refugees, including family reunion.

We need both an overall increase to the Refugee and Humanitarian intake to meet global need and action to enable families to be together for their benefit, and also the benefit of the wider Australian society and economy.

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27 A study of a Karen humanitarian migrant community in Nhill, in western Victoria's Wimmera, demonstrated the social and economic contributions the settlement program made to the local area. The initiative added more than \$40 million and 70 jobs to the local economy. See Deloitte Access Economics and the AMES Australia (2015) *Small Town Big Returns: Economic and social impact of the Karen resettlement in Nhill*.

28 Deloitte Access Economics and AMES Australia (2015) *Small Town Big Returns: Economic and social impact of the Karen resettlement in Nhill*.

29 Refugee Council of Australia, *Family reunion issues for refugees*, available at: <https://www.refugeecouncil.org.au/family-reunion-issues/>

30 Ibid.

31 The Australian Government announced that a total of 12,000 additional Humanitarian Program places would be made available for those who have been displaced by conflicts in Syria and Iraq. See Media Release by The Hon Peter Dutton MP, *12,000 Visa issued to Syrian and Iraqi refugees*, Wednesday, 22 March 2017. Available at: <https://minister.homeaffairs.gov.au/peterdutton/Pages/12000-visa-issued-to-syrian-and-iraqi-refugees.aspx>

32 *New York Declaration for Refugees and Migrants*, UN Doc A/Res/71.1, 19 September 2016.

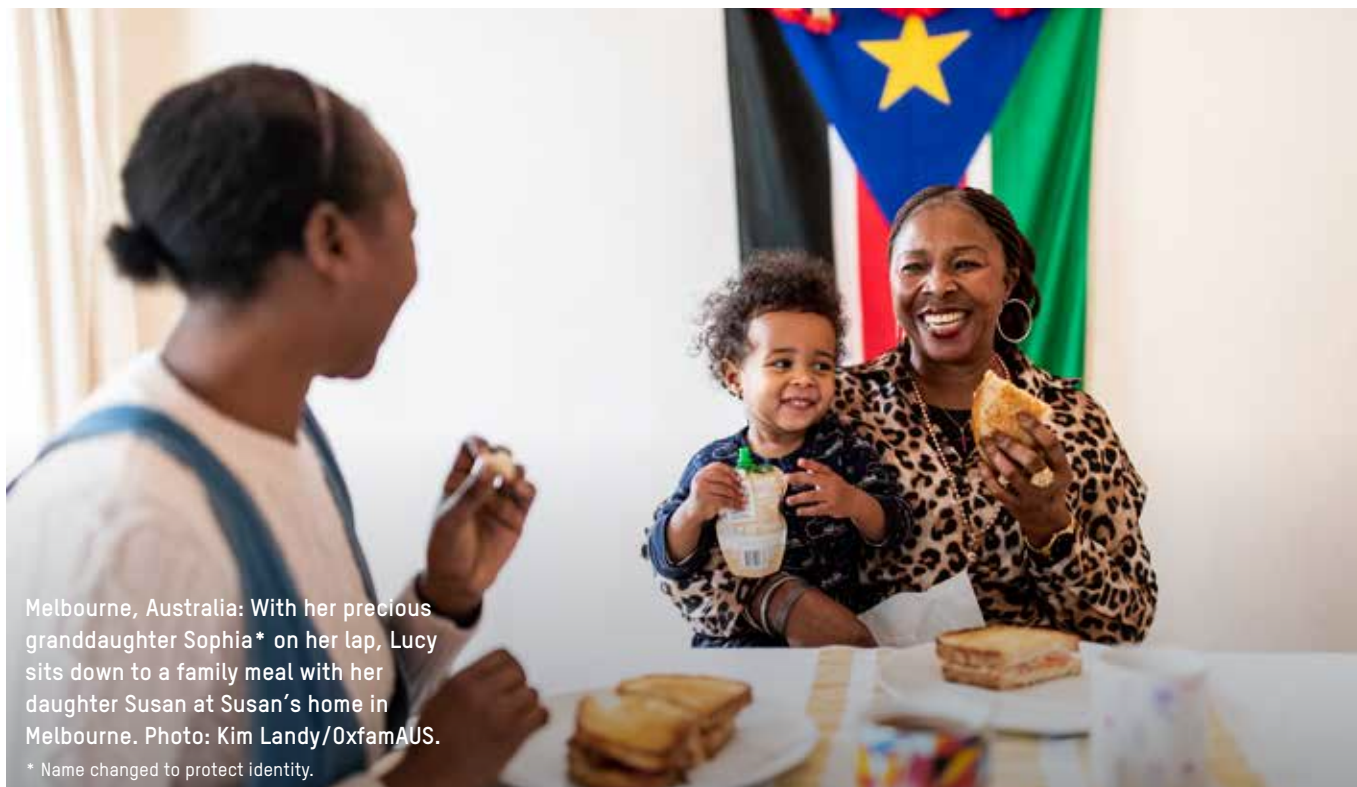
33 *Global compact on refugees*, UN Doc A/73/12 (Part III), 13 August 2018.

34 UNHCR defines complementary pathways as being "safe and regulated avenues that complement refugee resettlement and by which refugees may be admitted in a country and have their international protection needs met while they are able to support themselves to potentially reach a sustainable and lasting solution". They include but are not limited to: family reunion, including for extended family; labour mobility schemes; education programs; and community sponsorship of refugees. See UNHCR, *Complementary pathways for admission to third countries*. Available at: <https://www.unhcr.org/en-au/complementary-pathways.html>

35 *New York Declaration for Refugees and Migrants*, UN Doc A/Res/71.1, para. 79.

36 *Global compact on refugees*, UN Doc A/73/12 (Part III), para. 95.

37 UNHCR, *UNHCR Projected Global Resettlement Needs 2017*, p.17.



# FAMILY REUNION POLICY IN AUSTRALIA

The right to family<sup>38</sup> life is well recognised under international law, enshrined, among other things, in the *Universal Declaration of Human Rights*<sup>39</sup>, the *International Covenant on Civil and Political Rights*<sup>40</sup>, and the *International Covenant on Economic, Social and Cultural Rights*.<sup>41</sup> In accordance with this right, UNHCR has consistently encouraged states to “preserve the integrity of family groups in the course of resettlement option.”<sup>42</sup> Resettlement pathways should address rather than perpetuate the problem of family separation.

The presence of family members can accelerate the social and economic integration of both new arrivals and family members already in Australia. The nurturing and coping strategies a family unit can provide are broad, and can range from financial and physical support to emotional support and guardianship. Above all, the family can help anchor a loved one in a new place and contribute to building cohesion, as well as boosting their ability to engage with social institutions outside the family unit.

38 There is no single, universally-agreed definition as to what constitutes a family. This makes ensuring family unity through resettlement challenging. UNHCR seeks to ensure, where possible and in line with the principle of family unity, that all family members, including dependent non-nuclear family members, are resettled together. UNHCR recognises the different societal norms and cultural dimensions that result in the variety of definitions of “family”. It promotes cultural sensitivity combined with a pragmatic approach. It views the nuclear family as core but encourages that the element of dependency among family members — physical and financial, as well as psychological and emotional — should be given appropriate weight. The relationship or connection will typically be one which is strong, continuous and of reasonable duration. Dependency does not require complete dependence but can be mutual or partial dependence. It should also include individuals who are not biologically related but are cared for within the family unit. For further information see UNHCR (2011) *UNHCR Resettlement Handbook*, p.178–9.

39 UN General Assembly (1948) *Universal Declaration of Human Rights*, 217 (III) A, art. 12.

40 UN General Assembly (1976) *International Covenant on Civil and Political Rights*, Treaty Series 999, 171, art. 17.

41 UN General Assembly (1976) *International Covenant on Economic, Social and Cultural Rights*, Treaty Series 993 3, art. 10.

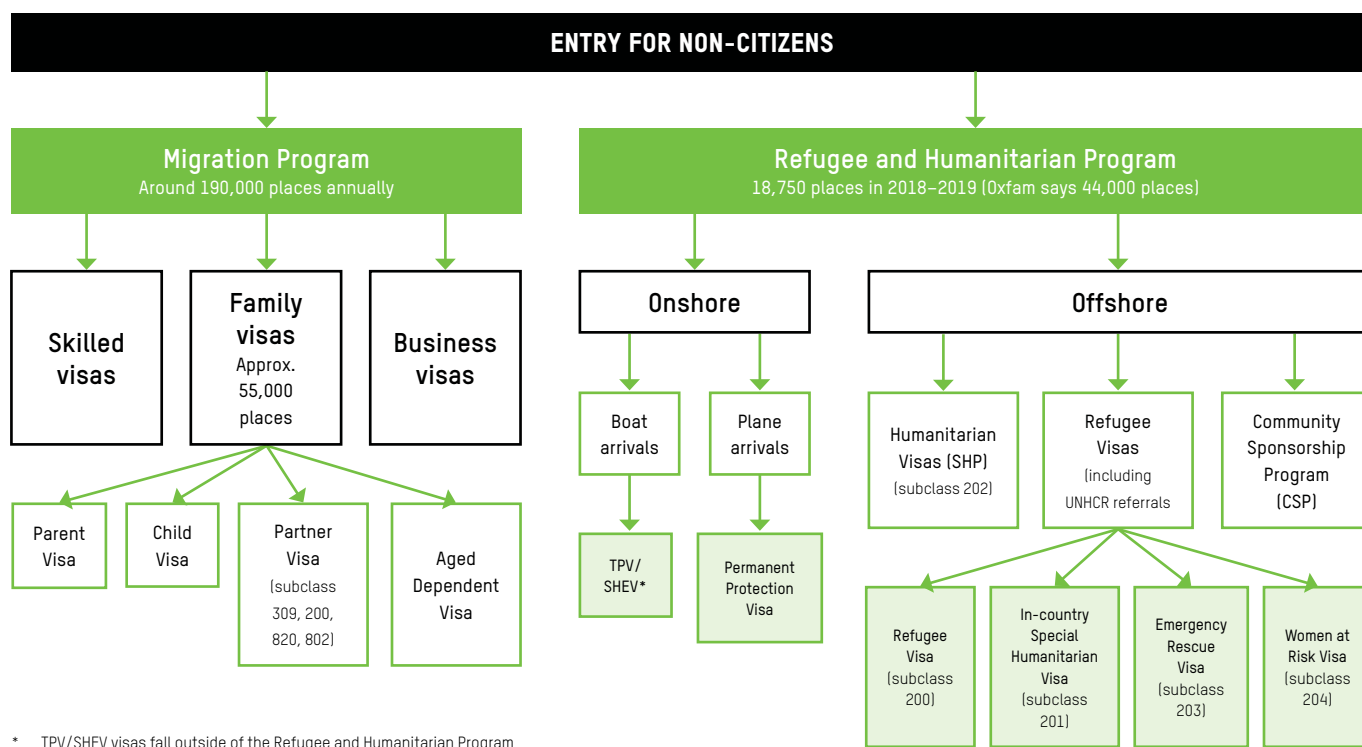
42 UNHCR (1983) *UNHCR Guidelines on Reunion of Refugee Families*, p.3.



Making family reunion pathways more available and accessible to refugee and humanitarian migrants will have significant social and economic benefits for Australia. Refugees resettled in Australian communities within family support networks are more likely to contribute positively to both their communities and the Australian economy.<sup>43</sup>

## Australia's current Migration Program

Australia heavily regulates the ability of non-citizens to enter and permanently stay in the country.<sup>44</sup> Permanent visas are issued under two streams: The Migration Program and the Refugee and Humanitarian Program as demonstrated by the following diagram<sup>45</sup>:



The number of places available through these programs is set by regulation annually. Numbers for the Refugee and Humanitarian Program are capped much lower than places allocated to the Migration Program. For example, in 2016–2017, a total of 21,968 visas were granted under the Refugee and Humanitarian Program.<sup>46</sup> In that same period, a total of 183,608 visas were granted under the Migration Program. For 2019–2020, the total places available under the Migration Program were capped at a ceiling of 160,000<sup>47</sup>, while 18,750 places have been allocated to the Refugee and Humanitarian Program.<sup>48</sup>

43 Larsen, G (2013) *Family Migration to Australia*. See also Okhovat, Sahar; Hirsch, Asher; Hoang, Khanh and Dowd, Rebecca (2017) 'Rethinking Resettlement and Family Reunion in Australia', 42(4) *Alternative Law Journal* 273, p.1.

44 Okhovat, Sahar; Hirsch, Asher; Hoang, Khanh and Dowd, Rebecca (2017) 'Rethinking Resettlement and Family Reunion in Australia', 42(4) *Alternative Law Journal* 273, 2.

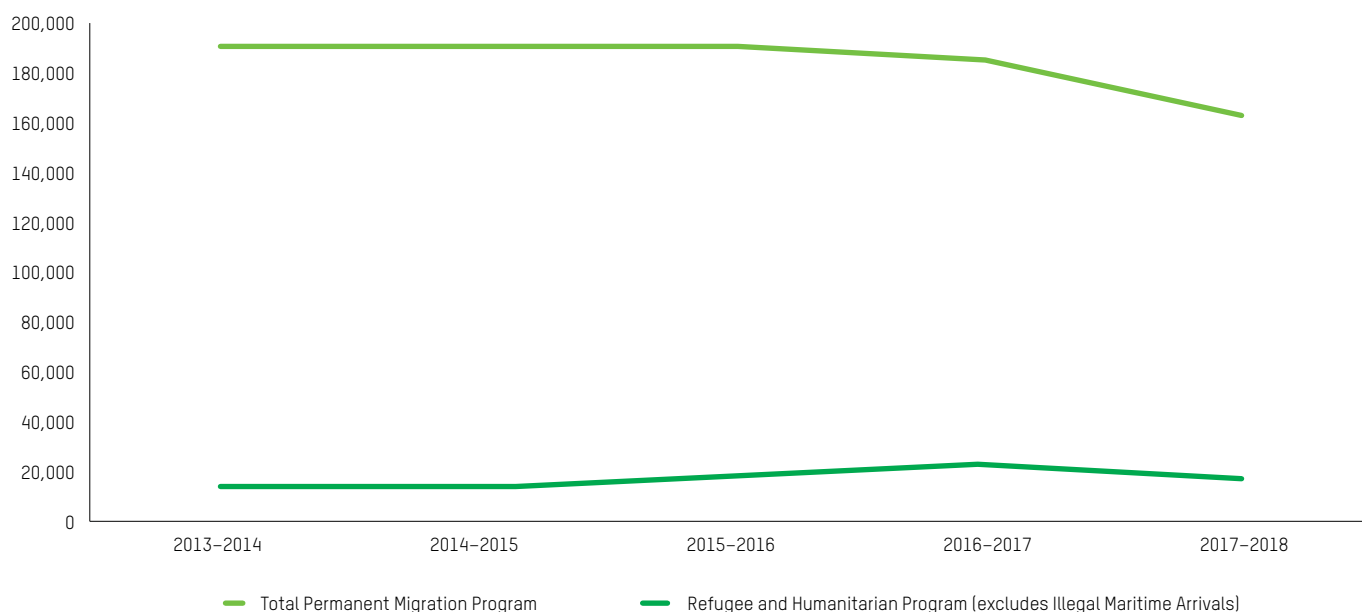
45 This diagram is not representative of the entirety of Australia's Migration Program. For information on visa types, please see <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing>

46 Australian Government Department of Home Affairs, *Discussion Paper – Australia's Humanitarian Program 2018–19*, p.6.

47 Australian Government Department of Home Affairs, *What we do: Migration program planning levels*. Available from: <https://immi.homeaffairs.gov.au/what-we-do/migration-program-planning-levels>

48 Australian Government Department of Home Affairs, *Refugee and humanitarian program: About the Program*. Available from: <https://immi.homeaffairs.gov.au/what-we-do/refugee-and-humanitarian-program/about-the-program/about-the-program>

**CHART 1.1: TOTAL PERMANENT MIGRATION: MIGRATION PROGRAM AND REFUGEE AND HUMANITARIAN PROGRAM (2013–2014 TO 2017–2018)**



The Refugee visa (subclass 200) has typically been reserved for refugees referred for resettlement through the UNHCR, the UN Refugee Agency. However, over recent years, the number of UNHCR referrals within the visas granted in this category has been in decline. The number of refugees referred by UNHCR who departed to Australia was just 3,741 in the 2018 calendar year.<sup>49</sup> This is the lowest figure in at least a decade and just one third of the 2013 figure of 11,117 refugees resettled to Australia through UNHCR referral.<sup>50</sup> While the Refugee and Humanitarian Program should be flexible and responsive to changing needs, vulnerability must remain the key criterion.

Opportunities for people on Global Special Humanitarian (subclass 202) or Refugee visas (subclass 200, 201, 203 and 204) to bring family members to Australia are limited both in terms of the number of places available, and eligibility requirements. Barriers exist for humanitarian migrants to successfully reunite with their family members in Australia under both the Migration Program (the Family Stream) and the Refugee and Humanitarian Program.

### Barriers to family reunion within the existing Family Program

The Family Stream of the Migration Program facilitates family reunion for families of Australian citizens, Australian permanent residents and eligible New Zealand citizens. Visas are available for partners, children, parents and “other family” members, including aged dependent relatives, “remaining relatives”, carers and orphans.<sup>51</sup>

The Family Stream under the Migration Program operates in a manner that effectively excludes people from humanitarian backgrounds. The Family Stream is expensive, with evidentiary requirements that exclude many humanitarian entrants, and extensive waiting periods not suitable for vulnerable people in immediate need of protection.

This highlights the need to review all eligibility requirements under the Family Stream of the Migration Program that effectively exclude applicants from humanitarian migrant backgrounds.

<sup>49</sup> Information extracted from UNHCR Resettlement Data portal on 15 March 2019

<sup>50</sup> Refugee Council of Australia, Less than one third of refugees in Australia’s humanitarian program are resettled from UNHCR (14 July 2017). Available from: <https://www.refugeecouncil.org.au/less-one-third-refugees-australias-humanitarian-program-resettled-unhcr/>

<sup>51</sup> For more information, see <https://immi.homeaffairs.gov.au/visas/bringing-someone/bringing-partner-or-family>

Barriers for humanitarian migrant sponsors and applicants when applying under the Family Stream of the Migration Program include:

- **The cost of visa application fees.** The cost of applying under the Family Stream is typically prohibitive for people from humanitarian migrant backgrounds. For example, a partner visa application that includes the sponsorship of a person's wife and two children under 18 years of age costs more than \$10,000 in application fees.<sup>52</sup> This money is not refunded if the application is refused.
- **Processing times.** The processing time of the visa applications is extremely lengthy. Currently, a partner visa application takes more than 20 months to process; a dependent child visa application takes more than eight months; and an orphan relative visa application takes three years.<sup>53</sup> These wait times are substantial for refugee families who may have family members residing in unsafe areas. There are reported cases of family members being killed while waiting for their visa application to be processed.<sup>54</sup>
- **Difficulties in meeting evidentiary requirements for documents.** There are several additional criteria in the Family Stream that act as barriers for refugee applicants when attempting to satisfy the visa criteria. For example, Public Interest Criteria 4020 must be met by applicants in the Family Stream. This requires the decision-maker to be "satisfied of the Applicant's identity". If the decision-maker is not satisfied of the Applicant's identity, the visa application can be refused, and the Applicant faces a 10-year bar on applying for any other visa to Australia. Identity is typically proved through the provision of identity documents. This criterion unfairly and disproportionately affects refugees and humanitarian migrants who may have fled without all of their documentation. Another example includes strict requirements under the Orphan Relative subclass, which requires applicants (through documentation) to prove that both parents are deceased, or unable to care for their child. In situations of war and displacement, death certificates are not always available, meaning many orphans will fail to satisfy the criteria of the visa.
- **Lowest priority processing for sponsors who are Irregular Maritime Arrivals.** Ministerial Direction 80 sets out that any family migration visa application that is sponsored by a permanent resident who arrived in Australia by boat, will be considered with the lowest priority. This effectively means that these applications will never be processed. Similar to the processing priorities in the Special Humanitarian Program (SHP) (discussed below), a Sponsor's application will be "released" from the lowest priority processing if the Sponsor obtains Australian citizenship, however delays to citizenship applications being processed means that many humanitarian migrants are waiting more than five years for their partner visa applications to be processed. While there is a waiver available to Direction 80, it is applied inconsistently.

## Barriers to family reunion within the Special Humanitarian Program

The Special Humanitarian Program (SHP) visa category is a permanent visa category for people outside their home country as well as outside of Australia. Applicants are proposed by an Australian citizen or permanent resident, eligible New Zealand citizen, or an organisation operating in Australia. As outlined above, the Family Stream under the Migration Program involves financial costs and wait times that effectively exclude refugees and humanitarian migrants from reuniting with their families through this pathway. Most humanitarian migrants seeking to bring family to Australia are thus forced to apply through the SHP.<sup>55</sup>

Applicants other than the immediate family members of proposers who hold Refugee or SHP visas (subclasses 200, 202, 203 and 204) need to show that they are "subject to substantial discrimination amounting to a gross violation of human rights and with family or community ties to Australia".<sup>56</sup> Proposers must pay for the applicant's travel to Australia<sup>57</sup> and are expected to assist in settlement for successful applicants. Additionally, places are limited, and demand far exceeds supply.<sup>58</sup>

52 Department of Home Affairs, Visa Pricing Estimator. Available at: <https://www.homeaffairs.gov.au/trav/visa/fees#tab-content-3>

53 Refugee Council of Australia, Family reunion issues for refugees, 2019. Available at: <https://www.refugeecouncil.org.au/family-reunion-issues/>

54 Refugee Council of Australia (2016) *Addressing the Pain of Separation for Refugee Families*, p.2.

55 Okhovat, Sahar; Hirsch, Asher; Hoang, Khanh and Dowd, Rebecca (2017) 'Rethinking Resettlement and Family Reunion in Australia', 42(4) *Alternative Law Journal* 273, p.3.

56 Department of Immigration and Border Protection, *Discussion Paper: Australia's Humanitarian Program 2019-20*, (2019), p.5.

57 It should be noted that there are some financial support initiatives available, such as the International Organization for Migration's No-Interest Travel Loan Fund, which helps proposers to meet up to 75% of the travel costs of refugees entering Australia on a subclass 202 visa. While this initiative is welcome and should be celebrated, it cannot fully mitigate the barrier to proposers represented by the travel costs associated with these visas.

58 Refugee Council of Australia (2016) *Addressing the Pain of Separation for Refugee Families*, p.3.



The limited availability of places within the SHP is only one part of the barriers preventing families from being together. There are also several legal and administrative barriers that operate to prevent and restrict access to family reunion under this program, which must be removed.

Barriers for sponsors and applicants when applying under the Special Humanitarian Program (SHP) include:

- **Prolonged waiting periods.** Projected places under the SHP for the 2017–2018 period amounted to just 2.6 % of the overall permanent places available in Australia’s Migration Program, with demand for visas outstripping supply by an estimated rate of seven to one.<sup>59</sup> This disparity means that refugees are waiting many years to be reunited with their families.<sup>60</sup>
- **Restrictive definition of family.** The Department of Home Affairs has stated that priority is generally given to applications “who have close family members in Australia”<sup>61</sup> with the “split [immediate] family”<sup>62</sup> members of a refugee visa holder (subclass 200, 201, 203, 204) being given the highest processing priority followed by immediate or “split” family proposed by an SHP visa holder (subclass 202).<sup>63</sup> Immediate family is defined to cover partners (sole married or sole de facto of at least six or 12 months depending on the visa, including same sex), dependent children (whether under or over 18) or parents, but only if the proposer is under 18.<sup>64</sup> This is a narrow definition of “immediate family” based on the concept of the nuclear family, which does not reflect most family compositions, nor is it in line with UNHCR’s definition of family. Particularly the idea that turning 18 is an indication that dependency has ended, or that parents have given up their obligations and emotional attachment to their adult children and vice versa.
- **Processes for declaring family members.** A family member must be declared prior to the granting of the proposer’s visa. Many applications are prepared in refugee camps, by people who speak limited English and without the assistance of the registered migration agent. In some circumstances, applicants completing visa forms do not list the names of missing or deceased relatives in their application forms. They are unaware of the draconian consequences of this error until a missing or presumed dead relative is located and a humanitarian application is lodged and subsequently refused due to this requirement.
- **Difficulties in meeting evidentiary requirements for documents.** The documents required — such as birth certificates, documents showing residency in the proposer’s house, documents showing dependency, or death certificates of deceased partners — may never have existed in the country of origin or may have been lost or destroyed while fleeing, or may be impossible for refugees and humanitarian migrants to acquire (without returning to home countries and placing themselves or their family members in danger). Furthermore, as noted by the Australian Human Rights Commission, “[d]ocuments such as police clearances may be simply unobtainable from countries in which refugees have been living without formal status.”<sup>65</sup> Waivers should be considered for humanitarian migrant applicants, or even different document requirements for people who are displaced.<sup>66</sup>
- **The cost.** While the SHP is the less expensive available option, the cost is still prohibitive. People proposing relatives under the SHP need to pay for airfares, migration agents, legal fees and costs of providing settlement support. This can amount to tens of thousands of dollars.<sup>67</sup>

59 Okhovat, Sahar; Hirsch, Asher; Hoang, Khanh and Dowd, Rebecca (2017) ‘Rethinking Resettlement and Family Reunion in Australia’, 42(4) *Alternative Law Journal* 273, p.3.

60 Ibid.

61 Department of Immigration and Border Protection (2019) *Discussion Paper: Australia’s Humanitarian Program 2019–20*, p.5.

62 “Split family” refers to family reunion provisions in the Australian Humanitarian Program. They are to assist the reunion of family members who have been separated while escaping from persecution or discrimination. See Department of Home Affairs, What is a ‘split family’?. Available at: <https://archive.homeaffairs.gov.au/lega/lega/form/immi-faqs/what-is-a-split-family>

63 Department of Home Affairs, *Who is eligible under ‘split family’ provisions?*, available at <https://archive.homeaffairs.gov.au/lega/lega/form/immi-faqs/who-is-eligible-under-split-family-provisions>

64 Department of Home Affairs, *Proposing an immediate family member (Split family)* [https://www.homeaffairs.gov.au/trav/refu/offers/proposing-an-immediate-family-member-\(split-family\)](https://www.homeaffairs.gov.au/trav/refu/offers/proposing-an-immediate-family-member-(split-family))

65 Australian Human Rights Commission (2016) *Pathways to Protection: A human rights-based response to the flight of asylum seekers by sea*, p.38.

66 Ibid., p.40

67 Refugee Council of Australia (2016) *Addressing the Pain of Separation for Refugee Families*, p.3.

- **Denial of family reunion for people who arrived by boat.** The additional punitive restrictions placed on humanitarian migrants who arrived in Australia by boat make it effectively impossible for them to ever successfully reunite with family members in Australia. Those who arrived by boat prior to 13 August 2012 and were subsequently granted a permanent protection visa are given the lowest processing priority for family reunion under the SHP.<sup>68</sup> In practice, this means their applications are unlikely to ever be granted. Refugees who arrived in Australia by boat on or after 13 August 2012 are only given temporary visas and are therefore ineligible to propose family members under the SHP or Family Stream of the migration program.<sup>69</sup> Furthermore, as of 22 March 2014, minors (including unaccompanied minors) who arrive in Australia by boat are prohibited from proposing family members for resettlement in Australia.<sup>70</sup> These restrictions are punitive and unreasonable, and they contravene Australia's obligations as a signatory to the 1951 *Convention Relating to the Status of Refugees* (the Refugee Convention).<sup>71</sup>
- **Complex and bureaucratic processes.** There is a lack of funded migration advice for humanitarian migrant communities seeking to sponsor their family members. Migration advice has previously been reduced or removed in grants, leaving many people without free or subsidised advice. This has resulted in applicants making invalid applications or being rejected because they have no knowledge of the legal requirements and cannot afford private migration advice.

The SHP was established in 1981 to provide resettlement options to members of minority groups fleeing substantial discrimination or avoiding significant violation of human rights in their homeland. The SHP therefore extended to people who may not meet the definition of a "refugee" but are still in need of protection. In July 1997, the Government introduced new regulations creating the "split family" provisions of the SHP, while at the same time placing greater emphasis on the skilled stream of the Migration Program and more stringent criteria on the Family Stream. As a result, the SHP was more accessible for humanitarian migrants as a means to reunite with their families and became the primary avenue for them to do so.<sup>72</sup> The SHP is therefore the de facto family reunion option within Australia's humanitarian migration program, though this was not the original, nor is it the sole purpose of the program. Given the impacts of displacement — as seen firsthand by Oxfam through humanitarian response programming — and the significant body of evidence in favour of family reunion for refugees and humanitarian migrants, Oxfam is calling for the creation of a new permanent visa category within the Refugee and Humanitarian Program: the Humanitarian Family Reunion Program.

68 In 2012, certain changes were made to the Refugee and Humanitarian Program to prioritise applications proposed by holders of humanitarian visas (class XB) rather than people who arrived in Australia and were later granted a permanent protection visa (class XA) (ie. refugees who arrived in Australia by boat). According to the Department's policy, applications proposed by holders of a permanent protection visa will be given the lowest processing priority. In practice, this means these types of application are unlikely to ever actually be granted.

Once an 866 visa holder becomes an Australian citizen, then the priority for any applications they make is determined by reference to their relationship with the applicant regardless of the proposer's original visa status, which has the practical effect of "moving them up" the priority processing ladder. However, unreasonably lengthy processing delays in the citizenship section of the Department are preventing many proposers from moving up in the priority ladder at all. See Commonwealth Ombudsman (2017) 'Delays in processing of applications for Australian Citizenship by conferral'.

69 Refugees who arrived in Australia by boat on or after 13 August 2012 can only apply for a Temporary Protection Visa (TPV) or a Safe Haven Enterprise Visa (SHEV). People who hold temporary visas are not eligible to propose family members under the SHP or the family migration program.

70 Okhovat, Sahar; Hirsch, Asher; Hoang, Khanh and Dowd, Rebecca (2017) 'Rethinking Resettlement and Family Reunion in Australia', 42(4) *Alternative Law Journal* 273, p.5.

71 Article 31 of the Refugee Convention states that states should not impose penalties on refugees and people seeking asylum based on their mode of arrival. UN General Assembly (1951) *Convention Relating to the Status of Refugees*, Treaty Series, vol. 189, p. 137.

72 Okhovat, Sahar; Hirsch, Asher; Hoang, Khanh and Dowd, Rebecca (2017) 'Rethinking Resettlement and Family Reunion in Australia', 42(4) *Alternative Law Journal* 273, p.3.

## CASE STUDY:

# ALI'S STORY

Ali\* arrived in Australia in 2013 as a young adult but, due to a narrow definition of “family” used by the Australian Government, he could only include his younger siblings (who were financially dependent on him) in his application. He had to leave his mother, sister, stepbrother and grandmother behind in Afghanistan. He did not know that their lives would be in danger after he left, however his family in Afghanistan were soon threatened with death by the Taliban who arrived on their doorstep with guns. His family fled Afghanistan to Pakistan, where they are now registered as refugees with UNHCR. They are unable to work or study given they are not citizens. Ali and his siblings send them monthly remittances to support their lives in Pakistan and stay in regular contact with them by phone.<sup>73</sup>

Ali has twice applied for a family reunification visa to bring his family, now in Pakistan, to Australia. He received assistance with his applications from a settlement service to provide legal support and help with collating relevant evidential documents. However, his two applications have been refused by the Department of Home Affairs (DoHA). Ali has trouble understanding why his applications for family reunion have been twice refused, referring to the difficulties associated with the process including providing evidence that his family is in life-threatening danger in Afghanistan.

“I just want to try to get my family here,” he says. “We all send the documents to Australian immigration and they’re saying ‘Yes, we accept they are registered with UNHCR and we accept that they are in Pakistan, but we don’t accept they are being threatened or they be in danger or something like that in Afghanistan’.

“But that’s the thing that we cannot prove. How you can have filming or a document of that situation when people with guns come to your doorstep and you have to prove to immigration so immigration can approve your application?”

The family reunion process has been difficult, stressful and frustrating for Ali and his siblings, with long processing timeframes and disappointing outcomes.

He explains, “It always takes long, they [DoHA] are always asking for different documents and then at the end of the

day they say ‘no’ and they refuse it, and that’s stressful, you know.”

Despite these family reunion setbacks, Ali and his siblings have had a relatively positive and successful settlement experience in Australia. They were supported immediately from arrival for the first month with accommodation and assistance navigating shopping, public transport and job access. Ali and his siblings had relatively good English

language skills and an understanding of the Australian culture because of Ali’s work with the Australian army in Afghanistan.

Ali says, “So far, I’m happy here and it’s all good.”

But although Ali is pleased that he and his siblings have a job and a house in Australia, the impact of family separation has been a particularly stressful part of their settlement in Australia. Ali’s younger sister

attempted suicide following their arrival in Australia, while his other sister experienced feelings of loneliness. Ali carried the burden of care and support for his siblings in this difficult time. He feels life in Australia would be less stressful if his family left behind could join him.

He says, “If my mum is here, all my siblings can go to study, we would have less stress, with feeling normal, something like that.”

\* Name changed to protect identity.

**“If my mum is here, all my siblings can go to study, we would have less stress, with feeling normal, something like that.”**

73 Case study featured in Wickes, Rebecca; van Kooy, John; Powell, Rebecca and Moran, Claire (2019) *The social impact of family separation on refugee settlement and inclusion in Australia*.



# AN OPPORTUNITY WAITING TO BE SEIZED

**The first official refugee policy in Australia was created under the Humanitarian Program in 1977. However, Australia has a long history of successfully welcoming and supporting refugee and humanitarian arrivals, having settled more than 880,000 refugees in humanitarian need since the end of the Second World War.<sup>74</sup> This should be celebrated and is evidence of Australia's overall positive approach to settlement. This history reflects not only the benefits to those who have been able to start a new life, but also the diversity of the Australian community.**

Australia's Refugee and Humanitarian Program is generally considered from either a social justice lens (in terms of Australia as a responsible global citizen) or from the perspective of the individuals resettled (supporting the protection of the right to life, liberty and security of person). As a rights-based humanitarian organisation, Oxfam Australia views the Refugee and Humanitarian Program as a significant and important mechanism for saving the lives of the world's most vulnerable people; many of whom we support in refugee camps around the world.

Given the unprecedented levels of global displacement, Oxfam Australia is calling for an increase to Australia's Refugee and Humanitarian Program. The proposed increase is drawn from a methodology based on the belief that every country should resettle refugees in accordance with resettlement capacity; capacity being based primarily on gross domestic product (GDP) and population size. In calling for an increase to the Refugee and Humanitarian Program that is commensurate with Australia's capacity, Oxfam has also sought to understand another aspect of resettlement; that of the impact an expanded Refugee and Humanitarian Program may have on Australia's society and economy. Research conducted for Oxfam by Deloitte Access Economics has revealed that although refugees and humanitarian migrants often arrive with very little in their pockets, they contribute immensely to the Australian society and economy over time.

Migration has had a significant influence on the Australian society and economy, affecting the size, composition and geographic location of the population and workforce.<sup>75</sup> Oxfam recognises that humanitarian migrants are not a homogenous group, however, research shows that humanitarian migrants bring a diverse range of skills, qualifications and experience that has the potential to bring enormous value to community, businesses, and the economy. This diversity can drive innovation and enrich the economy.<sup>76</sup>

The impact of increasing Australia's Refugee and Humanitarian Program to 44,000 places by 2022–2023, as determined by Deloitte Access Economics, equates to an additional 88,750 people in the Australian economy over the next five years. Given the Australian population is around 25 million,<sup>77</sup> the cumulative increase represents around 0.36% of today's population.<sup>78</sup> The study identified the potential social and economic impact to Australia over the next 50 years of this increased cohort of humanitarian migrants between 2017–2018 and 2022–2023.<sup>79</sup>

In examining the contribution that refugees and humanitarian migrants make to the broader Australian community, it is also critical to understand how they actively contribute to the multicultural and diverse fabric of Australia. While not necessarily an economic or "monetarised" impact, it is undeniable that humanitarian migrants influence the social and cultural composition of Australia.

Multicultural and diverse societies, like Australia, have a unique environment allowing for a greater understanding and tolerance of religions, ethnicities and languages.<sup>80</sup> It is important to consider the benefits of social cohesion with regard to the broader implications of increasing the Refugee and Humanitarian Program.

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74 Phillips, Janet (2017) Parliament of Australia, *Australia's Humanitarian Program: a quick guide to the statistics since 1947*.

75 Productivity Commission (2006) *Economic Impacts of Migration and Population Growth*.

76 Deloitte Access Economics for Oxfam Australia (2019) *Economic and social impact of increasing Australia's humanitarian intake*.

77 Australian Bureau of Statistics, Australian Demographic Statistics, Sep 2018, cat. no. 3101.0 (21/03/2019).

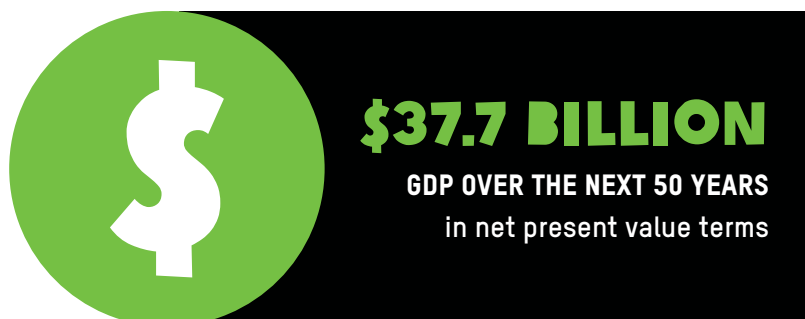
78 Due to data limitations, Deloitte Access Economics modelling undertaken formed part of a carefully defined impact study, rather than a cost benefit analysis.

79 Deloitte Access Economics conceptualised the economic and social impact of the Oxfam Australia proposed increase to Australia's Refugee and Humanitarian Program to 44,000 in 2022–2023 as being driven by three key mechanisms: increases in the availability of labour; increases in aggregate demand; and social impacts. The reported impact does not consider the impact of any additional humanitarian migrants relative to the baseline after the five-year period.

80 SGS Economics and Planning (2016) *Economic benefits of cultural diversity*.

Australians hold positive views towards multiculturalism and immigration. In a Scanlon Foundation survey, 82% of participants agreed with the statement that “immigrants improve Australian society by bringing new ideas and cultures”, and 80% of survey participants agreed with the statement “immigrants are generally good for the Australian economy”.<sup>81</sup> Furthermore, the impacts migrants have on Australia’s social composition are viewed positively by Australians.<sup>82</sup>

The key economic benefit to increasing Australia’s Refugee and Humanitarian Program to 44,000 places by 2022–2023 would be the gains to Australia’s economy, which, as a result, is projected to increase by \$37.7 billion in net present value terms (2017–2018 and 7% discount rate) over the next 50 years.



Increasing the humanitarian migrant intake would increase Australia’s real gross domestic product (GDP). On average, GDP could be \$4.9 billion greater annually (in \$2017–2018<sup>83</sup>) between 2018–2019 and 2067–2068.

Labour force participation rates would improve with time, as many refugees and humanitarian migrants actively engage in education and training in the first few years after arrival. The economic impact is expected to grow over time as humanitarian migrants settle into life in Australia.

The extent to which refugees and humanitarian migrants engage with Australian society, not only provides an indication of successful settlement in Australian society, but generates broader community benefits, including:

**MULTICULTURALISM AND DIVERSITY.** Humanitarian migrants come from a diverse range of countries, with unique cultures and languages. Through this diverse background, humanitarian migrants have a positive impact on social wellbeing. Research suggests that social resilience, adaptability and vibrancy are by-products of a multicultural society.<sup>84</sup> This diversity can provide unique opportunities for government and businesses to partake in global markets.<sup>85</sup>

**CITIZENSHIP.** Of the permanent migrants who arrived in 2011 or earlier, humanitarian migrants have the highest uptake of Australian citizenship at 78%.<sup>86</sup> This reflects integration into Australian communities and long-term commitment to Australia.

**COMMUNITY ENGAGEMENT.** Humanitarian migrants volunteer at a higher rate than Australian-born citizens, and the volunteering rate remains high for second-generation humanitarian migrants. Volunteering is a particularly important social, but also economic contribution, and has been found to contribute \$290 billion to Australia in economic and social benefits a year.<sup>87</sup>

81 Markus, Professor Andrew (2018) *Mapping Social Cohesion: The Scanlon Foundation Surveys 2018*.

82 Studies that look at attitudes towards current migration tend to be less positive; Australian National University, Centre for Social Research and Methods and College of Arts and Social Sciences (2018) *Big Australia, Small Australia, Diverse Australia: Australia’s views on population*

83 The value in 2017–2018 terms.

84 Ibid.

85 Deloitte Access Economics for Oxfam Australia (2019) *Economic and social impact of increasing Australia’s humanitarian intake*.

86 Australian Bureau of Statistics, Microdata: Australian Census and Migrants Integrated Dataset, 2016, cat. no. 3417.0.55.001 (18/07/2018); Deloitte Access Economics.

87 Volunteering Australia, Submission to the Senate Inquiry into the Fair Work Amendment (Respect for Emergency Services Volunteers) Bill, 09/2016.



Additionally, increasing the humanitarian migrant intake would also create more jobs in Australia. It is expected to increase employment by 35,000 FTE jobs in average annual terms over the period from 2018–2019 to 2067–2068.

The employment benefits continue to increase over time, particularly as humanitarian migrants settle into life in Australia, finish retraining and enter the labour force. The employment gains also occur as labour market outcomes improve for first-generation humanitarian migrants and then as second-generation humanitarian migrants start to enter the labour force.

Compared to the broader Australian population, a higher share of first-generation humanitarian migrants are employed in health care and social assistance, construction and manufacturing sectors.<sup>88</sup> Humanitarian migrants' stronger than average workforce participation in the healthcare sector is particularly important to meet the future demands of Australia's aging population. An aging population and the expansion of large-scale programs, such as the National Disability Insurance Scheme, mean that there will be additional demand for people with the right skill set to fill caring positions. The number of job opportunities in the health sector is projected to increase 15% from 2018 to 2023 — the largest of all sectors analysed by the Department of Employment, Skills, Small and Family Business.<sup>89</sup> This highlights the opportunity for humanitarian migrants to fill future potential skill shortages in the health sector.



Additionally, this illustrates the need for Government and the health sector to develop and implement policies and processes in consultation with humanitarian migrant community members and organisations, peak bodies and relevant service providers to ensure opportunities are realised.

Another positive impact would be the increase of consumption of goods and services in Australia, because of the increased population, which has positive benefits for Australian businesses and the overall macro economy as it increases demand for local goods and services. Increasing the humanitarian migrant intake has the potential to increase Australia's real household consumption by \$18.2 billion in net present value terms (\$2017–2018 and 7% discount rate) over the period from 2018–2019 to 2067–2068. Private consumption accounts for around 60% of GDP growth and is an important driver of Australia's economy.<sup>90</sup> The impact on household consumption is expected to increase over time in line with the increase in economic activity.

Over time, refugees and humanitarian migrants become net contributors to the government purse. Increasing the humanitarian migrant intake has the potential to increase government expenditure by \$8 billion over the next 50 years (\$2017–2018 and 7% discount rate). Government expenditure grows in the first few years, due to the costs associated with settlement services, but then

<sup>88</sup> Deloitte Access Economics for Oxfam Australia (2019) *Economic and social impact of increasing Australia's humanitarian intake*.

<sup>89</sup> Department of Jobs and Small Business (2018) *Industry Employment Projections 2018 Report*.

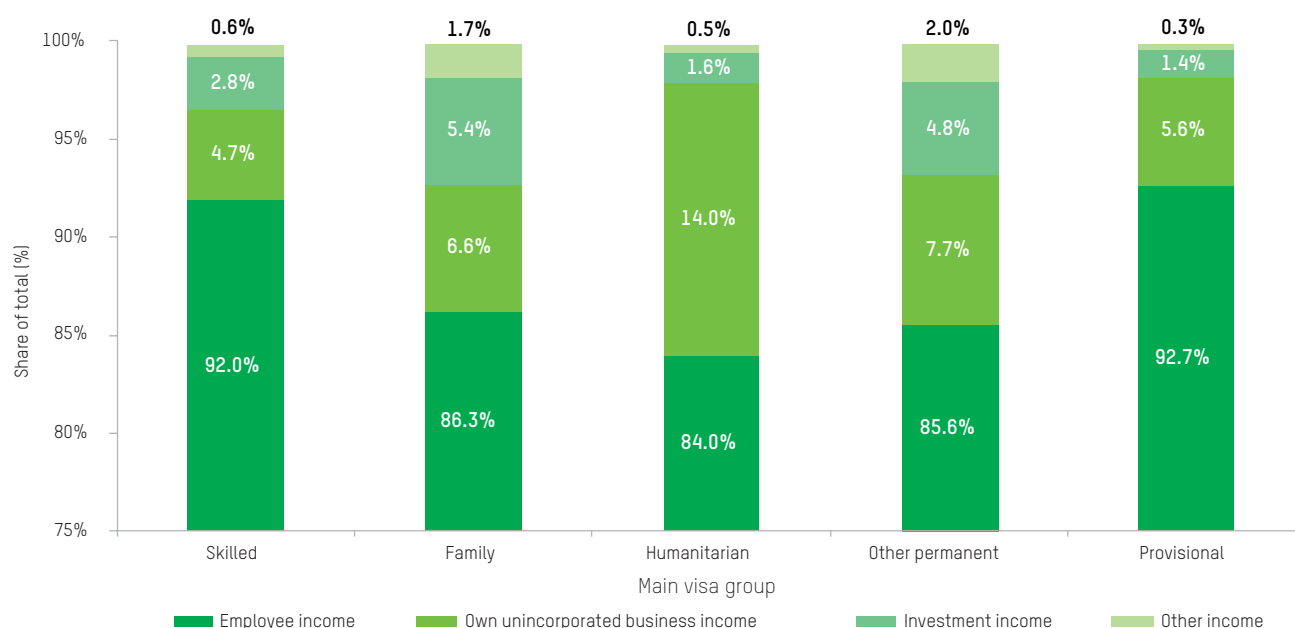
<sup>90</sup> Letts, Stephen (6 December 2018) Aussies 'squeezed' as spending grows and savings evaporate, *ABC News*. Available at: <https://www.abc.net.au/news/2018-12-06/households-continue-to-be-squeezed/10585830>



falls back from this initial expenditure as more humanitarian migrants settle into life in Australia and enter the labour force. It takes just over a decade for tax revenue collected from humanitarian migrants to offset these initial expenses.<sup>91</sup>

Highly performing entrepreneurs with humanitarian migrant backgrounds also positively contribute to the economy. Humanitarian migrants display greater entrepreneurial qualities than the broader migrant population. Despite facing significant challenges, research shows that refugees are the most entrepreneurial migrants in Australia and nearly twice as likely to be entrepreneurs as Australian taxpayers in general. Concurrently, supporting refugees in Australia to launch new businesses could result in nearly \$1 billion a year being added to the economy within 10 years<sup>92</sup>. An increase in refugee businesses would result in jobs for humanitarian migrants and non-humanitarian migrants, as well as increased local and international trade.<sup>93</sup>

**CHART 2.1: SOURCES OF TOTAL INCOME BY MAIN VISA STREAM (2013-14)**



Source: Personal Income of Migrants (ABS)

While the business climate in Australia is generally favourable, it is nevertheless remarkable that refugees and humanitarian migrants are the most entrepreneurial. Humanitarian migrants have often endured years of hardship and dislocation. The majority arrive speaking little or no English, with barely any savings, limited contacts and minimal knowledge of Australian life or business conditions.<sup>94</sup>

As noted above, the skills or qualifications of humanitarian migrants are typically not recognised in Australia and humanitarian migrants often face discrimination. While it is important to recognise the huge achievements made by entrepreneurial humanitarian migrants, it is also important to recognise that humanitarian migrants may turn to entrepreneurial activities out of necessity to support themselves and their families.<sup>95</sup>

A Centre for Policy Development (CDP) and Open Political Economy Network (OPEN) report found that “refugees generate a higher median income from their businesses than Australians in general and, contrary to conventional wisdom, female refugees are more likely to report income from their own business than men.” This is interesting when compared to the gendered experience of women refugees in the literature and Building a New Life in Australia (BNLA) data. While further research is required, this again highlights the importance of policies that understand the needs of women.

Despite the gains discussed above, there are two particular areas that show there is a direct impact on the economy via the opportunity cost of latent human capital.

91 Access Economics (2008) *Migrant Fiscal Impact Model*.

92 Burridge, Andrew and Legrain, Philippe (2019) *Seven Steps to SUCCESS: Enabling Refugee Entrepreneurs to Flourish*, p. 11.

93 Ibid.

94 Ibid., p.7.

95 Rametse, Nthathi et al (2018) ‘Entrepreneurial Motivations and Capabilities of Migrant Entrepreneurs in Australia’ 56 (4) *International Migration*, p.217.; also Collins, Professor Jock; Watson, Dr Katherine and Krivokapic-Skoko, Associate Professor Branka (2017) *From Boats to Business: The Remarkable Journey of Hazara Refugee Entrepreneurs in Adelaide*.

Low participation rates shortly after arrival is a particular issue for female humanitarian migrants, who have lower educational attainment (11.9% of working age female humanitarian migrants have no educational attainment) and are more likely to have more children than the Australian-born population.<sup>96</sup> These are both limiting factors in labour force participation.<sup>97</sup> As many refugees arrive in Australia with young children, one parent — usually the mother — stays behind to care for the children while the other attends language classes. Without access to childcare, many refugee women are unable to participate in language training. Therefore, the gap in services has a disproportionately negative impact on women and on their children.<sup>98</sup> This highlights the need to provide better support for women humanitarian migrants experiencing family separation, including access to employment, education, English language classes, childcare and other needs.

There is a growing body of literature that demonstrates that many refugees and humanitarian migrants are highly qualified and underutilised, to the detriment of local economy.<sup>99</sup> Around 49% of migrants and refugees are not currently employed, or are working in jobs that do not use their highest skills or qualification.<sup>100</sup> This has a direct impact on the economy via the opportunity cost of latent human capital.

Increasing skills recognition could lead to better matching of labour supply (by skill) to current levels of labour demand and the payoff is a more productive workforce. Despite this, many humanitarian migrants invest in renewing their formal skills and qualifications in the first few years after arrival (eg. participation in the Adult Migrant English Program). In 2016, 42% of humanitarian migrants were actively engaged in education and training compared to 24% for the broader Australian population. Hence, while labour force participation is lower in the first few years after arrival, participation in education and training is high. Over time, humanitarian migrants begin to transition out of education and training, and into the paid labour force.

The systemic lack of recognition of the skills and experience that humanitarian migrants bring to Australia comes at a cost to the individuals, to all levels of government, to industry, as well as the economy.

Refugees and humanitarian migrants are significant contributors to Australian society and the economy. However, there is enormous pressure on them to support relatives in refugee and displaced situations overseas, which can compound the stress of family separation and also impose a significant financial burden on people attempting to settle in Australia. Family separation deprives people of social and emotional support critical to positive settlement outcomes. It is costly, both to humanitarian migrants and to the wider Australian community.

This section has demonstrated not only the potential benefit to the Australian economy, but also the need for Government, in consultation with humanitarian migrants and peak bodies, to develop and implement policies and processes that realise this immense economic opportunity at hand.

There is a body of research that highlights that employment barriers faced by humanitarian migrants stem from discrimination, rather than a lack of skills or willingness to engage with the labour market.<sup>101</sup> Further, research indicates that these barriers are mostly keenly experienced where public attitudes have been shaped by political rhetoric and discourse.<sup>102</sup> Deloitte Access Economics modeling identifies and quantifies the potential benefits of increasing the Refugee and Humanitarian Program. These benefits could be amplified if politics and policy allowed for this potential to be fully realised.

Given what has been discussed about the negative impacts of family separation, and the underutilisation of the skills and experience of refugees and humanitarian migrants, Oxfam believes the significant benefits outlined by Deloitte Access Economics are nonetheless modest compared to the potential benefits that could be realised with an expanded humanitarian program that allows for families to reunite, and with settlement services that support the better recognition of skills.

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96 34 Australian Bureau of Statistics, Microdata: Australian Census and Migrants Integrated Dataset, 2016, cat. no. 3417.0.55.001 (18/07/2018); Deloitte Access Economics.

97 Australian Institute of Family Studies (2017) *Empowering migrant and refugee women*.

98 See example from Canada in the report of the Canadian Standing Senate Committee on Human Rights, *Finding Refuge in Canada: A Syrian Resettlement Story*, p.33.

99 Hugo, Graeme (2013) *The Economic Contribution of Humanitarian Settlers in Australia*.

100 Deloitte Access Economics (2018) *Seizing the opportunity: Making the most of the skills and experience of migrants and refugees*.

101 Fleay, Caroline; Lumbus, Anita and Hartley, Lisa (2016) *People Seeking Asylum in Australia and their Access to Employment: Just What Do We Know?*, *Cosmopolitan Civil Societies Journal*, 8(2): 4969.

102 Ibid.



Melbourne, Australia: Dabessa (pictured right) and his wife Lelisse at their home in Melbourne. After a long period of separation and hardship, Lelisse was finally reunited with Dabessa and their children in Australia in 2013. Photos: Kim Landy/OxfamAUS.



## CASE STUDY:

# DABESSA'S STORY

Dabessa and his wife Lelisse are members of the Oromo ethnic community in Ethiopia. The couple worked as journalists for a government-owned television station in Ethiopia until Dabessa was jailed in 2004 on suspicions that he supported the dissenting Oromo Liberation Front. After nine years of persecution, separation and uncertainty, their family was reunited in Australia in 2013.

Dabessa served three long years in prison. His only crime: his Oromo identity.

He says, "I passed through prison. It was a very challenging, very hard time. There were people who were killed in front of me. They killed anyone — I saw it with my own eyes. I never thought I would come out. [I thought] they would kill me."

With Dabessa in jail and three young children to raise, Lelisse shouldered the burden of care. "It was hard for my wife during that time," Dabessa recalls.

"At the same time every week, she visited me in prison, carrying two kids. Bringing some food and fruit, which is not available in prison. [Every] Saturday and Sunday for three years."

When he was eventually freed, Dabessa feared his wife might also be at risk of false arrest: "If the Government suspect you, anybody can arrest you because there is no rule of law, no due process. They arrest you, put [you] in custody, and they say whatever they like."

After his release, Dabessa learnt that the Government was orchestrating a case to arrest him again, so he and Lelisse decided he should flee to Kenya.

While Dabessa was in Nairobi, applying for refugee status, his worst fears were confirmed: "I got the news my wife was arrested ... The Government shut down the Oromo [media] desk."

"[I was] very shocked," Dabessa recalls. "I was for a moment thinking, 'What can I do?' The crying came later."



Melbourne, Australia: Family portrait of Dabessa and Lelisse at their Melbourne home. Pictured left to right: daughter Sena, granddaughter Solane\*, Lelisse, daughter Ayetu\*, daughter Jitu, son Bonsen and Dabessa.

\* Name changed to protect identity.



## The trauma of separation

Just like her husband, Lelisse was falsely imprisoned for three years. In that time, Dabessa arranged for their children to be brought to Nairobi, and the family made their way to Australia — without Lelisse — as refugees.

In Australia, Dabessa sought legal assistance and started raising money to support and free his wife. When Lelisse was finally freed, Dabessa wanted her to join the family in Australia immediately — but the process was not so straightforward.

“After she was released, it took three years for family reunification,” Dabessa explains. The long wait for Lelisse’s visa meant another three years of living in limbo, and another three years of fearing for her safety.

Dabessa says, “When you know all the evidence is there, there is no reason why it should take this long time. I’m not complaining or I’m not saying that the process is long, because when we compare with others, mine is very short ... [but] during this period — physically, mentally — you are always thinking about the family you left back home.

“You are sending money. You are not productive here, you are focusing around your family ... Basically, you are incomplete.”

“Obviously, she’s your wife, you’re separated — that emotionally affects you. You don’t have somebody who fulfills your life. You miss [her] and you don’t have anything to replace [her]. And psychologically you’re thinking about that person always, and that person is not with you for nine years. Emotionally, you think you can’t fight ... It’s a lot.”

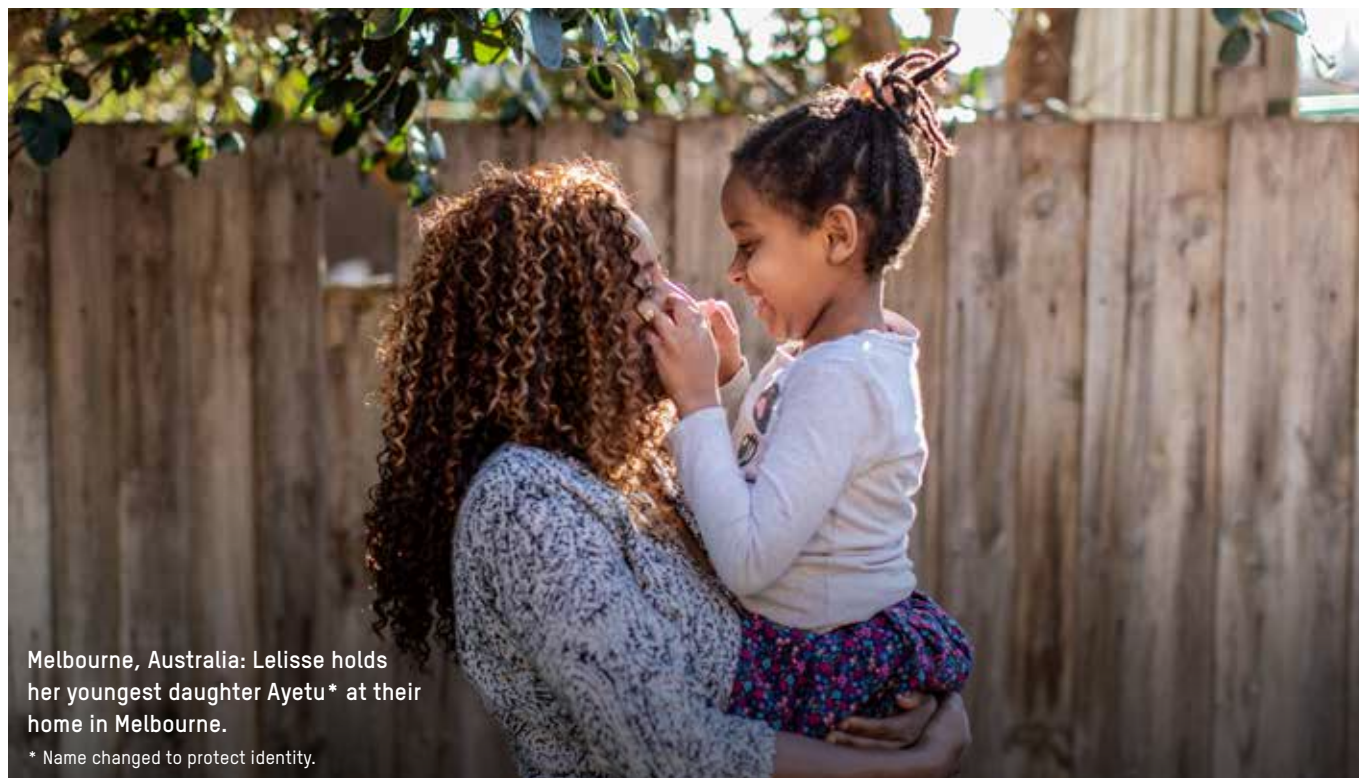
Lelisse struggled too. She says, “Being separated is not good for yourself or your children ... It weighs on you heavily, especially for your mental health, it’s not good. It’s very isolating. Being away from your family is like being separated from within yourself — being torn apart.”

## Finding sanctuary

Dabessa was thankful for the safety and freedom his new home afforded him. But his continued separation from Lelisse made it hard to settle in or get ahead.

“Until Lelisse arrived, I never think about a job because I’m caring [for the] children,” he explains. “I need to be home when the children come home. I’m going shopping, cooking, and making them to be stronger.”





**Melbourne, Australia: Lelisse holds her youngest daughter Ayetu\* at their home in Melbourne.**

\* Name changed to protect identity.

Without Lelisse, Dabessa became withdrawn and disconnected from his new community. He says, “You realise you are not contributing what is expected in your community and when you [know] that, you feel [it] inside. You realise you need to do something.”

Dabessa longed for the day that Lelisse could join him and the kids in Australia: “One day, the joy [will] come back. One day, we will start our new life.”

When Lelisse finally arrived in Australia in 2013, there were emotional scenes at the airport. Dabessa recalls, “We cry in happiness ... because that was the day we dreamt of for a long time. For me, I cry for myself and my kids at the same time. It’s not easy. It’s like I lost part of my life, my body for a long time. It was a very tough time.”

At the airport, Lelisse felt relief and happiness when she saw her son Bonsen holding a sign that said “Thank you Australia for bringing my mum”.

Dabessa says, “We thank the Australian Government — even though it was delayed — for [us] being reunited, and making our life happy.”

## Stronger together

The family has gone from strength to strength since they were reunited. Dabessa says, “We were not productive during the separation. Now, my wife is working, I’m studying — we support each other, kids are studying.”

“My kids are at a good stage. My first daughter, she [is] married. She’s graduated from nursing, she is working now. My second daughter is a university student [studying] law and art now ... and my son is studying also.”

Dabessa says, “A united family is productive — united family is stronger than the separated one.”

Having survived so many years of separation and hardship, Lelisse and Dabessa have developed an unshakable resilience. He says, “We are very positive, we work together, looking after our children and to contribute in positive ways to the nation who provided us kindness — and we wish this [kindness] is extended to others.”

“Family reunification is important — if the family support each other, they produce more. They contribute their energy, money, knowledge, and they’re doing right things.

“It is important to support people who leave their country, and grant visa here to bring their family. The country loses nothing. They benefit because these people are experienced people, these people endured many kinds of injustice, and they survived ... So most of them are strong people because of these experiences, so they produce more.”

# RECOMMENDATIONS FOR A FAIRER SYSTEM

**Family reunion acts as a positive accelerator of integration for both the new arrivals and family members already in Australia. For the first time there is a conclusive body of data that highlights the significant contribution that refugees and humanitarian migrants make to the broader Australian community — in both economic and social impact.**

Knowledge of family whereabouts and longing for family unity are crucial themes in the lives of refugees and displaced people worldwide. Upon receiving protection status in Australia, family reunion is a humanitarian migrant's first intention.

Despite evidence from humanitarian migrants, peak bodies, service providers and parts of government on the merits of keeping humanitarian migrant families together, there are currently limited opportunities for family reunion. This is having a devastating economic, social and psychological impact on people trying to rebuild their lives in Australia.

While acknowledging the Government's modest increase in the humanitarian intake to 18,750 over the upcoming financial year 2018–2019, this number falls drastically short of both addressing the current global need and our capacity to assist. UNHCR predicts that close to 1.4 million refugees will need resettlement in 2019 and yet, based on likely resettlement places available across the world and recent statistical trends, even less people than in previous years will actually be able to access resettlement.<sup>103</sup>

During 2016–2017, Australia was able to temporarily and successfully increase the Refugee and Humanitarian Program to 20,257, with a one-off intake of 12,000 people from Syria and Iraq. This confirms our capacity for an increased program.

Australia has a strong economy, the capacity to resettle large numbers of people and a proven history of managing resettlement effectively. We have a long history of successfully welcoming and supporting humanitarian arrivals to this country — we can and must do more. Australia should resettle its fair share of the world's refugees, commensurate with the size of our economy and capacity to welcome people into Australian society. Australia must increase its annual Refugee and Humanitarian Program and make it easier for humanitarian migrants to be reunited with their family members.

## Supporting family reunion in Australia and meeting our global obligations

The Australian Government has a unique opportunity to address the problem of family separation for refugees and humanitarian migrants, and realise greater individual and economic benefits to society. The Government can make an immediate and long-lasting impact both in the resettlement process and integration by:

1. Creating a Humanitarian Family Reunion visa stream, of 10,000 places annually. The program should be specifically designed to make it easier for refugees and humanitarian migrants to be reunited with their family members, as compared to the current Special Humanitarian Program, through the following changes:
  - a. Develop a broader definition of immediate family to reflect the reality for people who are displaced and to fully reflect the UNHCR definition based on the concept of dependency.<sup>104</sup> As UNHCR notes, "[t]he refugee family is often severely reduced due to violence and flight, and extended relations may be the last line of defence for individuals who rely exclusively on the family unit for survival, psychological support, and emotional care."<sup>105 106</sup>
  - b. Make changes to documentation requirements. As noted above, some criteria for the granting of a visa under the SHP are nearly impossible for people who have been forcibly displaced to satisfy.<sup>107</sup> Oxfam Australia therefore proposes that the Department of Home Affairs engage in alternative methods of information gathering.

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<sup>103</sup> UNHCR, (2018) *UNHCR Projected Global Resettlement Needs 2019*, p.9.

<sup>104</sup> UNHCR (2011) *UNHCR Resettlement Handbook*, p.178.

<sup>105</sup> Ibid.

<sup>106</sup> There are many examples of scenarios in which it would be appropriate to adopt a flexible interpretation of "immediate family", including children informally adopted by relatives, orphaned relatives, children who are still dependent although married or engaged, and unaccompanied children who turned 18 in Australia and seek to reunite with their parents.

<sup>107</sup> Australian Human Rights Commission (2016) *Pathways to Protection: A human rights-based response to the flight of asylum seekers by sea*, p.38.

- c. Remove the requirement that a family member must have been declared prior to the granting of the proposer's visa.
  - d. Restore access to affordable migration advice to ensure that forms are correctly filled in; that applicants are given good advice; and that they do not suffer the frustration of lodging their applications and waiting several years only to find out that there was an error in the form. This could be addressed by providing and increasing funding to existing refugee legal aid services to assist with offshore humanitarian visa applications.
  - e. Reduce wait list times for applicants. For this visa class to be meaningful for humanitarian applicants, it needs to be able to provide support to people fleeing humanitarian crisis situations in a timely manner. Changes should be made to ensure that applications for families at risk are prioritised based on humanitarian need.
  - f. Remove the restrictions on (and reprioritisation of) family reunion applications from persons who arrived in Australia by boat.
  - g. Enable faster and easier access to social security payments and support.
2. Reviewing the Special Humanitarian Program to ensure that it is in line with and complimentary to the new Humanitarian Family Reunion Program.
  3. While refugees and humanitarian migrants face initial challenges and barriers, the new Deloitte Access Economics research shows they categorically make a significant positive overall contribution to Australia. We can and must do more to welcome our fair share of displaced people and their families. Oxfam is calling for the Australian Government to progressively increase Australia's overall Refugee and Humanitarian Program to 44,000 places by 2022–2023, inclusive of the Humanitarian Family Reunion visa stream, and including 22,000 places allocated to UNHCR-referred refugees (see Annex 1 for more detail). This number should be reviewed annually, consistent with Australia's fair share and to allow for capacity to respond to emergency protection needs.
  4. As discussed, the Refugee and Humanitarian Program is a critical part of Australia's overall migration program. However, even when increased in line with these recommendations, it will remain a small proportion of the overall migration mix. Given this, and in order to support full realisation of the opportunity to Australia represented by humanitarian migrants who are reunited with their families, the Government should review the eligibility requirements under the Family Stream of the Migration Program that effectively exclude applicants from humanitarian migrant backgrounds, including removing the restrictions on (and reprioritisation of) family reunion applications from persons who arrived in Australia by boat after 2012.

## Ensuring economic and social opportunities are realised

Refugees and humanitarian migrants are significant contributors to Australian society and the economy. However, as this report has demonstrated, realising the benefit requires Government, in consultation with humanitarian migrants and peak bodies, to develop and implement policies and processes that realise this immense economic opportunity at hand. The Australia Government should:

1. Develop and implement policies and processes in consultation with humanitarian migrant community members and organisations, peak bodies and relevant service providers that allow for better skill recognition to realise the immense economic opportunity at hand; and
2. Provide better support for women experiencing family separation, including access to employment, education, English language classes, childcare and other needs.



# ANNEXES

# ANNEX 1: CALCULATING AUSTRALIA'S SHARE OF REFUGEES AND HUMANITARIAN MIGRANTS

## Calculating Australia's share of refugees and humanitarian migrants

This section outlines the method used to calculate Australia's share of humanitarian migrants. Given the global rise of forced migration, it is important now, more than ever, that Australia does its share in tackling this global crisis.

It is important to note that these calculations are based on a moment in time. This report provides an estimate of Australia's fair share based on the best available data at the time of analysis. It should be noted that the principles underlying our fair-share calculations hold true irrespective of variations in the data which feeds into the model. The quota should be reviewed annually consistent with Australia's fair share of global needs, and be developed in consultation with humanitarian migrant communities and relevant key stakeholders.

For the purpose of this analysis, a nation's share is determined by two considerations:

- a nation's capacity to "absorb" humanitarian migrants; and
- a nation's ability to "accommodate" the transition of these persons into the economy and society.

A nation's capacity to "absorb" humanitarian migrants is a function of its population because large populations can accommodate additional persons without substantial social and demographic disruption. Similarly, wealthy nations (high per capita GDP) are more able to "accommodate" the initial financial cost of transitioning refugees into the economy and society. For these reasons, we use population and GDP as key metrics to determine Australia's "fair" intake of humanitarian migrants that reflect its capacity to both absorb and accommodate. The key steps of this calculation are laid out below.

## Total number of refugees for resettlement

In its latest report on global trends of displacement, UNHCR notes that there are 20.4 million refugees around the world under its mandate (this figure excludes Palestinian refugees registered by UNRWA).<sup>108</sup> In its Projected Global Resettlement Needs report for 2019, UNHCR estimates that 1.4 million refugees need to be resettled — a 19% increase on the previous year and the largest number of people UNHCR has ever identified as being in urgent need of resettlement.<sup>109</sup>

## Calculating OECD capacity to intake refugees

Australia is a member of the OECD — a group of the wealthiest countries in the world. The OECD, with 34 members, makes up 63% of global GDP.<sup>110</sup> However, for the purposes of our calculations, we have removed the three smallest OECD economies — Mexico, Turkey and Latvia — recognising that these countries have very small economies and, in the case of Turkey, are already hosting a very significant number of refugees. With the remaining 31 members, the OECD makes up 60% of global GDP. Using this 60%, we estimate that the OECD should receive 840,993 of the 1.4 million refugees. No doubt, many of the OECD member nations have smaller populations compared to non-OECD members, however, it is more useful to consider GDP when calculating the capacity of a group of nations.

## Australia's share of refugees under UNHCR mandate

Based on Australia's share of OECD GDP (around 3%), and population (around 2%), we estimate that **Australia should receive 22,000 refugees who are under UNHCR mandate** (for 2019 calculations this is at least 21,226). Note that population and GDP are weighted equally in this calculation. Note however that this is only part of Australia's overall refugee and humanitarian intake.

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<sup>108</sup> UNHCR (2018) *Global Trends: Forced Displacement in 2018*.

<sup>109</sup> UNHCR (2018) *UNHCR Projected Global Resettlement Needs 2019*.

<sup>110</sup> United States Mission to the Organization for Economic Cooperation and Development, What is the OECD? <https://usoecd.usmission.gov/our-relationship/about-the-oecd/what-is-the-oecd/>

## Adjustment to calculate Australia's Humanitarian Program intake

The numbers of visas available for grant under the Refugee and Humanitarian Program are shared or distributed among the following groups of people:

- Refugees and their families who will be “resettled” from overseas referred by UNHCR (subclass 200, 201, 203 and 204)
- Humanitarian entrants and their families seeking to enter Australia from overseas (Special Humanitarian Program applicants — subclass 202).
- Community Sponsorship Program

The Government announced the increase to the Refugee and Humanitarian Program of 18,750 places from 2018–2019 onwards at the New York summit.<sup>111</sup> This is a step in the right direction, but does not go far enough to meet our global responsibility. Any domestic or regional response to people seeking asylum must have both the safety and protection of people in peril at its heart, and must respect and protect legal obligations under the Refugee Convention and human rights law. Those fleeing persecution need safe avenues that comply with international law for claiming asylum.

UNHCR's resettlement statistics show the proportion of UNHCR-referred refugees being resettled by Australia is declining. The online Resettlement Data portal shows that the number of refugees referred by UNHCR who departed to Australia was just 3,741 in the 2018 calendar year.<sup>112</sup> This is the lowest figure in at least a decade and just a third of the 2013 figure of 11,117 refugees resettled to Australia through UNHCR referral.<sup>113</sup> While the Refugee and Humanitarian Program should be flexible and responsive to changing needs, vulnerability must remain the key criterion.

The Special Humanitarian Program (SHP) has expanded in recent years to 10,604 in 2016–2017 and 6,916 in 2017–2018.<sup>114</sup> While the increase in the SHP has led to a welcome increase in family reunion, there are concerns that Australia is choosing people based on community links in Australia and not on their need for resettlement. Other places should be made available to support family reunion though the creation of a specific family reunion visa.

While supporting the idea of people in Australia being able to sponsor refugees via the use of private sponsorship through the Community Support Program (CSP), it is concerning that the places allocated through this program will continue to come out of the overall humanitarian intake. Regardless of whether the intake under the Refugee and Humanitarian Program is increased, the CSP places should be removed from the intake and should be in addition to places under the Refugee and Humanitarian Program.

## A fair Refugee and Humanitarian Program

Australia's Refugee and Humanitarian Program intake should be set at **44,000 PLACES**. This would be comprised of:

- increasing Australia's UNHCR resettlement to **22,000** people based on GDP and population size as a member of the OECD;
- maintaining a strong Special Humanitarian Program, with visas for **10,000** people;
- creating a family reunion specific visa of **10,000** places to acknowledge the need and benefit of family reunion; and
- an additional **2,000** places, collectively, for existing visa categories 201 (In-Country Special Humanitarian), 203 (Emergency Rescue), and 204 (Women-at-Risk).

This figure of 44,000 incorporates both the global supply of refugees under UNHCR mandate, and Australia's capacity to absorb and accommodate humanitarian migrants as reflected by its population and economic prosperity.

Oxfam Australia suggests that this increase be gradually implemented, with 30,000 places available in 2019–2020; 36,000 in 2020–2021; 40,000 in 2021–2022; and 44,000 in 2022–2023.

Given the Australian population is around 25 million,<sup>115</sup> the cumulative increase to 44,000, represents around 0.36% of today's population.

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111 Turnbull, Malcom (21 September 2016) Leaders' Summit on Refugees, New York. Available at: <https://www.malcolmturnbull.com.au/media/leaders-summit-on-refugees>

112 Information extracted from UNHCR Resettlement Data portal on 15 March 2019

113 Refugee Council of Australia, Less than one third of refugees in Australia's humanitarian program are resettled from UNHCR (14 July 2017) <https://www.refugeecouncil.org.au/less-one-third-refugees-australias-humanitarian-program-resettled-unhcr/>

114 Department of Home Affairs (2019) *Discussion Paper: Australia's Humanitarian Program 2019-20*, p.7.

115 Australian Bureau of Statistics, Australian Demographic Statistics, Sep 2018, cat. no. 3101.0 (21/03/2019).

# ANNEX 2: KEY TERMINOLOGY AND ACRONYMS

## Refugees

Under international law, a refugee is a person located outside the country of his or her nationality who has a well-founded fear of persecution on the basis of his or her race, religion, nationality, membership in a particular social group, or political opinion.<sup>116</sup>

## Asylum seekers

An asylum seeker, or a person seeking asylum, is an individual who has sought international protection and whose claim for refugee status has not yet been determined. As part of internationally recognised obligations to protect refugees on their territories, countries are responsible for determining whether an asylum seeker is a refugee or not. This responsibility is derived from the *1951 Convention relating to the Status of Refugees* and relevant regional instruments and is often incorporated into national legislation.<sup>117</sup>

## Internally Displaced People (IDPs)

Internally displaced persons (IDPs) are people who have been forced or obliged to flee their homes, in particular as a result of armed conflict, violence, violation of human rights, or disasters, and who have not crossed international borders.<sup>118</sup>

## Resettlement

Resettlement is the transfer of refugees from an asylum country to another State that has agreed to admit them and ultimately grant them permanent settlement.<sup>119</sup>

## Acronyms

Building a New Life in Australia **(BNLA)**

Community Support Program **(CSP)**

Global Compact for Safe, Orderly and Regular Migration **(GCM)**

Global Compact on Refugees **(GCR)**

Gross domestic product **(GDP)**

Special Humanitarian Program **(SHP)**

United Nations High Commissioner for Refugees **(UNHCR)** — also known as the UN Refugee Agency

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<sup>116</sup> UNHCR, [1951] *Convention and Protocol Relating to the Status of Refugees*

<sup>117</sup> UNHCR, Asylum-Seekers, available at: <https://www.unhcr.org/pages/49c3646c137.html>

<sup>118</sup> UNHCR, *UN Conventions on Statelessness*. Available at: <http://www.unhcr.org/en-au/un-conventions-on-statelessness.html>

<sup>119</sup> UNHCR, *Resettlement*. Available at: <https://www.unhcr.org/resettlement.html>



