

Australia's Refugee and Humanitarian Program (2019-20)

Submission to the Department of Home Affairs

March 2019

UNICEF Australia welcomes the opportunity to make a short submission regarding Australia's Refugee and Humanitarian Programme 2019-20 to the Department of Home Affairs.

UNICEF Australia on behalf of the Child Rights Taskforce recently submitted [*The Children's Report: Australia's NGO coalition report to the United Nations Committee on the Rights of the Child \(2018\)*](#)¹.

The report highlights a number of concerns the Child Rights Taskforce has with the pillars of Australia's asylum seeker framework, including mandatory detention, offshore processing arrangements and naval interception and return of people seeking protection by sea, which continue to cause serious harm to asylum seeker and refugee children, and their families.

The removal of almost all references to the 1951 Refugee Convention from Australia's legal system, in particular the repudiation of *non-refoulement* obligations, is a clear breach of international refugee law. Civil society groups have expressed concerns regarding the integrity, procedural fairness and transparency of Australia's refugee status determination and review processes.

Further, cuts to Status Resolution Support Services which provides basic healthcare and income support while children and families await their immigration status to be resolved, are reportedly leading to homelessness, depression, anxiety and self-harm among the asylum seeker population.

In addition to recommendations² contained in [*The Children's Report*](#), UNICEF Australia makes the following four recommendations:

1. Expand the humanitarian intake of Children and Adolescents at Risk

UNICEF Australia recommends that: the Australian Government expand the humanitarian intake of Children and Adolescents at Risk, including unaccompanied children seeking humanitarian protection and remove any restrictions on specific groups of children from accessing protection in Australia.

¹ The Children's Report - Australia's NGO coalition report to the United Nations Committee on the Rights of the Child (2018). Viewed at, <https://www.unicef.org.au/Upload/UNICEF/Media/Documents/Child-Rights-Taskforce-NGO-Coalition-Report-For-UNCRC-LR.pdf>

² Please see Chapter 9, Special Protection Measures, pg. 60-67 of The Children's Report - Australia's NGO coalition report to the United Nations Committee on the Rights of the Child (2018). Viewed at, <https://www.unicef.org.au/Upload/UNICEF/Media/Documents/Child-Rights-Taskforce-NGO-Coalition-Report-For-UNCRC-LR.pdf>

2. Develop a separate Humanitarian Family Reunion Program, outside of the Refugee and Humanitarian and Migration Program

UNICEF Australia recommends that: The Australian Government should develop a separate Humanitarian Family Reunion Program, outside of the Refugee and Humanitarian and Migration Program³.

We encourage the Department of Home Affairs to consider actioning the following recommendations:

- Increase the number of visas available for family reunion by 10,000 in the 2019-2020 period, and streamline the application process so that it is more accessible and affordable;
- Adopt a more flexible and expansive definition of family which is culturally sensitive and can be situation specific where required;
- Remove restrictions on family reunification across the humanitarian and migration program for children and young people and for those who arrived by boat.

3. Re-open resettlement pathways with Indonesia

UNICEF Australia recommends that: The Australia Government re-open resettlement pathways with Indonesia and immediately revoke its ban on the resettlement of refugees who arrived in Indonesia after 1 July 2014. Australia should resume the resettlement of people from this group in consultation with the UNHCR and normalise resettlement flows between Indonesia and Australia.

4. Legislate against the mandatory immigration detention of children

UNICEF Australia recommends that: the Australian Government legislate against the mandatory immigration detention of children. We recommend that the Government introduce legislation immediately to end the immigration detention of children in Australia or in any other settings funded, facilitated or supported by the Australian Government.

Recognition of UNHCR specialist expertise and endorsement of Refugee Council of Australia's submission

UNICEF Australia recognises the specialist expertise of the UNHCR and recommends that wherever possible, the Australian Government accept their technical advice regarding resettlement.

Additionally, UNICEF Australia would like to endorse the submission made by Refugee Council of Australia (RCOA) as the peak body for refugees and the organisations and individuals who support them. In particular we endorse the following recommendations made by RCOA:

³ UNICEF Australia endorses RCOA's suggested figure of 10,000 places outside of Refugee and Humanitarian Program.

- **Expand the Humanitarian Program in light of needs:** The Department of Home Affairs should, in light of escalating global protection needs, consider expanding the Humanitarian Program to 30,000 places⁴ annually⁵. If this recommendation is not adopted, the Humanitarian Program should, at least, return to the 2016-17 level (21,968), including those resettled as part of the Syrian/Iraqi cohort;
- **Ensure that the Refugee and Humanitarian Program is based on need**, that is the most vulnerable refugees, and should not discriminate based on religion, nationality, skills, English language ability or any other attribute;
- **Establish an Emergency Response contingency quota** over and above the annual Refugee and Refugee and Humanitarian Program intake to provide additional capacity to respond to urgent protection needs during emergency situations, such as the current crisis in Syria, the escalating violence for Rohingya people and the continued conflict in South Sudan; and
- **Develop a comprehensive strategy for responding to major displacement crises:** The Australian Government should convene a multi-stakeholder (cross-portfolio, plus civil society and refugee community leaders) to develop a comprehensive strategy to respond to major displacement crises that includes financial contributions to humanitarian responses, increased financial support to UNHCR, the use of diplomatic measures to address root causes of displacement, increased and strategic resettlement, and the enabling of community responses to displacement.

Finally, UNICEF Australia encourages the Australian Government to invest in a long term regional protection strategy for asylum seeker and refugee children and their families, prioritising the identification and protection of unaccompanied children, and the strengthening of child protection systems in the region.

For further information please contact Senior Policy Advisor, Oliver White at owhite@unicef.org.au or via phone on (02) 8917 3239.

⁴ This figure comprises of 20,000 UNHCR referrals and 10,000 places under the Special Humanitarian Program. UNICEF Australis supports a gradual increase to 30,000 places over the next three years.

⁵ As outlined in RCOA's submission, at least two-thirds of the Humanitarian Program should be set aside for Refugee Program visas (subclasses 200, 203 and 204). These subclasses should be reserved for those who have been referred by UNHCR.