



Productivity Commission Inquiry into Migration Intake

Australian Red Cross Submission

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Cover photo: Australian Red Cross/Marlon Dalton

Many refugees are settling in rural areas, like Isaak Makur, who has come from Sudan to Tamworth, NSW. Although feeling welcomed by their new communities, they also often face challenges like isolation and distance from support networks.

This public submission responds to an Inquiry by the Australian Government's Productivity Commission into *Migration Intake 2015*.

As a humanitarian organisation and part of the broader Red Cross Red Crescent Movement, Australian Red Cross ("Red Cross") fulfils an important auxiliary role to the humanitarian services of public authorities. In accordance with the Fundamental Principles of the Movement including humanity, impartiality, independence and neutrality, a key priority of Red Cross is to assist people made vulnerable through the process of migration.

Key elements of this work are monitoring conditions in immigration detention facilities, providing tracing services for families separated by war, conflict or disaster to re-establish contact by finding lost loved ones, re-uniting people and clarifying the fate of the missing, and running a range of community programs that support vulnerable people living in the community whilst awaiting their immigration outcomes.

Our expertise in migration has developed over 20 years through our support to asylum seekers via community programs funded by Department of Immigration as well as through the internally funded Emergency Relief program. These programs provide tailored support to asylum seekers and other people awaiting status resolution that responds to their vulnerability in the community. Red Cross operates a migration hub in every Australian capital city and has established links into regional areas through our substantial member and volunteer network.

All migrants have a legitimate claim to hope and opportunities to achieve their potential. They are also important social, economic and cultural actors. Their skills, experience, and resilience can make valuable contributions to their host communities.

Red Cross submits the following recommendations:

- 1. That asylum seekers and refugees are exempt from visa fees.***
- 2. That Temporary Protection Visa (TPV) and Safe Haven Enterprise Visa (SHEV) holders be eligible for HECS/HELP.***
- 3. That TPV and SHEV holders be permitted to apply for an appropriate substantive visa pathway.***
- 4. That flexible community care offering specialised services including adequate accommodation, health care, and rehabilitation services, material, social and economic assistance is provided to support people made vulnerable as a result of labour exploitation based on their need, regardless of their participation in a criminal justice matter or similar.***
- 5. That a regional migration program is developed to enable durable solutions for both the displaced and migrants.***
- 6. That viable pathways for family reunion are introduced to enable refugees, irrespective of how they arrived in Australia, to sponsor immediate family members (partners and children) from overseas to bring them to Australia.***
- 7. That measures be introduced to decrease family reunion delays and increase the quota in the family stream of the Migration Program specifically for humanitarian entrant.***

Viable levels of debt

Any visa charge would place an unviable level of debt on asylum seekers and refugees.

Asylum seekers and refugees require time to establish a new life and are eligible for Centrelink payments until employed. Many have entered in to debt in order to escape persecution and are under significant pressure to repay on arrival. Remittances paid to relatives left behind place additional financial burden on people commonly living on or below the poverty line.

Red Cross recommends that asylum seekers and refugees are exempt from visa fees.

Recognition of qualifications, access to education and training

The Productivity Commission (2006) notes that, from 2000-2004, only about 27 per cent of humanitarian migrants had post-school qualifications, compared to about 50 per cent for family migrants and about 80 per cent for skilled migrants. This indicates that many refugees are competing for lower-skilled jobs relative to other migrants. A 2011 survey of 8,576 migrants in the first five years of settlement undertaken by the Australian Centre for Financial Studies (ACFS) found that humanitarian migrants are far more likely to be studying than are family or skilled migrants. Supports for English language, work readiness and employment programs, child care, HECS/HELP, and new approaches for recognition of qualifications are critical to enabling people to become productive members of society.

Red Cross recommends that Temporary Protection Visa (TPV) and Safe Haven Enterprise Visa (SHEV) holders be eligible for HECS/HELP.

Permanent settlement options for those found to be refugees

Red Cross' Vulnerability Report¹ presents findings from interviews with people seeking asylum in Australia under the community care service model. This research highlights that temporary protection institutionalises uncertainty, and often poverty, amplifying pre-existing trauma and suspending the process of settling into a new country.

Broader research into the previous use of TPVs has shown that TPV holders face much greater challenges settling into the community than refugees on permanent visas. They were also more worried about their uncertain residency status and reported greater living difficulties. Over a two-

¹ Gartrell A. 2013 The nature and extent of vulnerability among people seeking asylum in Australia

year period, TPV holders demonstrated less English proficiency and were unmotivated to socially engage within their new community, thereby exacerbating isolation. This mix of factors can effectively dampen any hope for convalescence from mental health problems, even while residing in the community.²

Red Cross recommends that TPV and SHEV holders be permitted to apply for an appropriate substantive visa pathway.

² Steel Z¹, Momartin S, Silove D, Coello M, Aroche J, Tay KW. 2011 Two year psychosocial and mental health outcomes for refugees subjected to restrictive or supportive immigration policies.

Robust supports for labour migration

Many people on temporary visas are vulnerable to workplace exploitation, including discrimination, due to a limited knowledge and understanding of Australian workplace rights, limited English language, and for many the ongoing reliance on a sponsor for their visa status.

Audits undertaken over 2014 by the Fair Work Ombudsman found up to 40 per cent of foreign workers employed under 457 visas were underpaid, not performing the jobs they were supposed to do or no longer employed by the person who sponsored their entry into Australia.

In the past few years, the Fair Work Ombudsman has dealt with over 6000 requests for assistance from visa-holders and recovered more than \$4 million in outstanding wages and entitlements for them.

Red Cross recognises the need to augment the valuable role played by the Fair Work Ombudsman Overseas Workers' Team (OWT), which provides assistance to workers in Australia on temporary visas who have work rights, newly-arrived migrants who may not be aware of Australia's employment and workplace laws and newly-arrived migrants who, through their visa conditions, have committed to remain with their sponsoring employer for a period of time. Additional supports are required offering specialised services including adequate accommodation, health care, and rehabilitation services, material, social and economic assistance.

Red Cross recommends that flexible community care offering specialised services including adequate accommodation, health care, and rehabilitation services, material, social and economic assistance is provided to support people made vulnerable as a result of labour exploitation based on their need, regardless of their participation in a criminal justice matter or similar.

Displacement of populations

Armed conflicts and violence, natural or man-made disasters, but also development or relocation schemes can force populations to leave their homes, leading to accelerated and collective, even massive movements. The displaced populations might seek assistance and protection within their own country, or might find refuge across international borders. Displacement of populations and migration of individuals and groups are distinct but often interrelated phenomena; where they are interrelated.

Red Cross recommends that a regional migration program is developed to enable durable solutions for both the displaced and migrants.

Family Reunion

Red Cross believes that family reunion is an important humanitarian outcome for those made vulnerable through the process of migration.

Migrants' families are an important resource, supporting members to adjust and settle into their new environment. The types of support provided by family members include financial (sharing money), physical (providing care or assistance), emotional (sharing love, understanding and counsel), legal (occupying positions of guardianship) and spiritual (performing religious duties)³.

It is important for a robust migration intake program to recognise the broader definition of family for refugees. "The refugee experience reconfigures the family in ways that it would not be otherwise. Families of circumstance are created by conflict, flight and refuge"⁴.

The value of family is emphasised in several international human rights instruments. The 1948 Universal Declaration of Human Rights states that: 'the family is the natural and fundamental group unit of society and is entitled to protection by society and the State'⁵. The International Covenant of Economic, Social and Cultural Rights, The Convention on the Rights of the Child and The Covenant of Social and Political Rights (both 1966) also reaffirm the principle of family unity.

TPVs not allowing holders to apply for family members to join them, were first issued in 1991 after the Tiananmen Square massacre in China and discontinued after three years. Again, in 1999, the Government introduced a similar three-year TPV for 'unauthorised arrivals' who had sought asylum while in Australia and were found to be refugees. TPVs were abolished in 2008, with most holders being granted a permanent Resolution of Status visa. TPVs were reintroduced in 2014.

Prolonged separation causes significant and at times debilitating distress to people who are living involuntarily apart from their families. This can negatively affect migrants' ability to settle successfully and participate in Australian life.

There are a number of possible fiscal impacts of family separation including the costs of new migrants sending money out of Australia to support close relatives overseas where families have not been able to reunify. In 2012 an independent report⁶ from the ACFS estimated the direct contribution remittances made to Australian GDP to be in the range of AUD 336 million to AUD 588 million per annum. Globally, remittances equate to about three times overseas development aid⁷.

It would seem that low income migrants have a greater propensity to send remittances than high income groups. The highest proportions of birthplace groups sending back remittances were drawn from regions which were made up of mostly Less Developed Countries – Pacific (41.4 percent), South

³ McDonald, P. 1995. Australian Families: Values and Behaviour', in Hartley, R. (ed), Families and Cultural Diversity in Australia, Allen and Unwin, Sydney.

⁴ <http://www.unhcr.org/4b167ae59.pdf>

⁵ Article 16; United Nations General Assembly 1948

⁶ Davis, K. and Jenkinson M. 2012 Remittances: Their Role, Trends and Australian Opportunities

⁷ Wickramasekara, P. 2015 Mainstreaming Migration in Development Agendas

Asia (47.5 percent), Southeast Asia (42.3 percent), Middle East (33.1 percent) and Africa (31.8 percent)⁸.

Professor Graeme Hugo notes that it is important that any assessment of the contribution of refugee humanitarian settlers to the Australian economy takes account of population, participation and productivity. Research also shows that as time passes the workforce participation level of humanitarian entrants converges towards the Australian average, and in the second generation there is an increase in the labour force participation rate and a decrease in the unemployment rate. The findings also show that for the second generation of these groups, a clear majority have a higher level of participation than those who were born in Australia. The first generation arrivals that completed their education in Australia also tend to have a higher level of workforce participation, often higher than the Australia-born.⁹

There are other economic and social benefits in family reunion migration. Parents and grandparents can provide childcare, allowing sponsors to go from being one-income to two-income households. When people are distressed by involuntary separation from their family members (especially in the case of humanitarian entrants where family often remain in conflict situations) there is flow on cost implications for the mental health system.

Red Cross recommends:

That viable pathways for family reunion are introduced to enable refugees, irrespective of how they arrived in Australia, to sponsor immediate family members (partners and children) from overseas to bring them to Australia.

That measures be introduced to decrease family reunion delays and increase the quota in the family stream of the Migration Program specifically for humanitarian entrant.

⁸ https://www.immi.gov.au/media/publications/research/_pdf/economic-social-civic-contributions-about-the-research2011.pdf

⁹ Hugo, G. 2011 A Significant Contribution: The Economic, Social and Civic Contributions of First and Second Generation Humanitarian Entrants

Red Cross' work in migration

Red Cross assists people who are made vulnerable through the process of migration, irrespective of their legal status, and whose survival, dignity, physical or mental health is under threat, including, but not limited to:

- people seeking asylum
- refugees
- those held in immigration detention
- stateless persons
- people who are trafficked and/or forced into marriage
- irregular migrants

Consistent with the International Movement, the approach of Red Cross is strictly humanitarian and based on the recognition of the individual strengths and aspirations of each migrant. This approach focuses on the needs, vulnerabilities and potentials of migrants while recognising their strengths, resilience and determination. In addressing need and focusing on our humanitarian obligations, Red Cross acknowledges, and seeks to avoid the political pressures brought to bear by the issue of migration in both the government and non-government spheres.

Global trends

There are significant shifts in global migration trends that set a context for migration in Australia. The trend towards globalisation means that most nations are now involved in migration and there is greater mobility across countries¹⁰.

Alongside greater mobility there is also a changing pattern of migration where temporary migration is replacing permanent settlement and immigration policy favours skilled over non-skilled migration¹¹.

The ease of movement of people and increased capacity for communication across borders leads to a strong ongoing relationship with the country of origin and what Professor Graeme Hugo refers to as 'circular migration' – a shift towards non permanent migration and movement to and from countries where connections are strong and enduring¹².

The importance of the diaspora community is increasing in scope and has the potential to significantly assist development outcomes in both origin and destination countries.

¹⁰ Massey, D.M., Arango, J., Hugo, G., Kouaouci, A. and Taylor, J.E., 1998. *Worlds in Motion: Understanding International Migration at the End of the Millennium*, Clarendon Press, Oxford. Reprinted: 2005.

¹¹ Hugo, G. 1999. A new paradigm of international migration to Australia, *New Zealand Population Review*, 25 (1) pp. 1-39.

¹² <http://www.migrationpolicy.org/article/circular-migration-keeping-development-rolling>

According to the United Nations High Commissioner for Refugees (UNHCR), the number of people affected by forced displacement has grown in size and complexity over recent years, particularly among those deemed refugees, returnees, stateless persons and particular groups of internally displaced persons (IDPs). Ongoing and renewed outbreaks of armed conflict continue to have a negative effect on stability and security in many parts of the world resulting in large scale population movements within and outside of home countries (UNHCR 2008:3).

The number of refugees, asylum-seekers and internally displaced people worldwide has, for the first time in the post-World War II era, exceeded 50 million people.

UNHCR's annual Global Trends report, which is based on data compiled by governments and non-governmental partner organisations, and from the organisation's own records, shows 51.2 million people were forcibly displaced at the end of 2013, 6 million more than the 45.2 million reported in 2012.

This increase was driven mainly by the war in Syria forcing 2.5 million people into becoming refugees and made 6.5 million internally displaced. Major new displacement was also seen in Africa – notably in Central African Republic and South Sudan.

Even broader than those subject to forced displacement, there are approximately 230 million migrants worldwide according to the UN, with a large proportion identified as irregular migrants, who live outside or at the margins of conventional health, social and legal systems. As noted by the International Federation of Red Cross, “...their humanitarian needs and vulnerabilities are growing due to the exclusion, exploitation and denial of fundamental rights to which they are increasingly exposed” (IFRC 2009:2).

Australian trends

Equally in Australia there has been a shift to non permanent migration through increasing use of visas such as student visas and temporary work visas (457, seasonal workers). There has also been an increased emphasis on skilled migration and more recently visas for those with significant investment capacity¹³.

In Australia there is also a trend towards onshore migration, primarily for students, temporary workers and asylum seekers. These migrants require different supports as they have arrived with a different set of expectations regarding their time in Australia, and support needs may emerge during their time in Australia.

The trend toward onshore applications by asylum seekers is highly unpredictable. The Commonwealth's humanitarian entrant program is capped at 13,750 places for offshore visas until 2018 and there are likely to be a large number of asylum seekers on temporary visa arrangements for long periods of time. Large numbers of asylum seekers will be on Bridging visas, Humanitarian Stay (Temporary) visas and Temporary (Humanitarian Concern) visas, with varying levels of support and service provision. The large number of asylum seekers on temporary visa arrangements

¹³ Hugo, G.J., 2013. Migration Between the Asia-Pacific and Australia: A Development Perspective, in J. Cortina and E. Ochoa-Reza (eds.), *New Perspectives on International Migration and Development*, Columbia University Press: New York, pp. 229-275.

indicates health, wellbeing and the negative impact of visa status uncertainty will be continuing issues over time. A study¹⁴ by mental health experts in 2006 found that refugees on TPVs at that time experienced higher levels of anxiety, depression and post-traumatic stress disorder than refugees on permanent PVs, even though both groups of refugees had experienced similar levels of past trauma and persecution in their home countries. In addition to the human costs of TPVs, the TPV is administratively inefficient, requiring the full reassessment of an individual's protection claim from scratch at the expiration of the TPV.

There are now one in five people settling outside of capital cities, indicating a need for settlement support services in regional areas. Research¹⁵ into this trend notes that policy shifts related to permanent and temporary migration have created a new tendency towards migrants settling in regional areas, which is likely to continue with the introduction of the SHEV in 2015. The impact of this trend in terms of social and economic change in many regional areas is yet to be fully analysed.

While many migrants have succeeded in establishing themselves in their new communities, many face a range of difficulties and barriers including lose of links with family, friends and communities; inability to access basic health and social services; human trafficking, forced marriage, sexual or labour exploitation; deprivation of liberty and detention as part of the migration process; risk of persecution if returned to country of origin; cultural and language barriers, exclusion, violence, discrimination based on race, gender and sexuality. Some migrants are particularly vulnerable including women and children, traumatised persons, people with physical and mental disabilities, and elderly persons.

¹⁴ Momartin, S, Steel, Z, Coello, M, Aroche J, Silove D M and Brooks R., 2006 A comparison of the mental health of refugees with temporary versus permanent protection visas

¹⁵ Hugo, G.J., 2008. Immigrant settlement outside of Australia's capital cities. *Population, Space and Place*, 14 pp. 553–571