

Strangers No More

How Australia's leaders can welcome, promote, protect, and integrate forced migrants



Jesuit Refugee Service (JRS) Australia policy statement, Federal Election 2019



"The ugly cruelty of our time tempts us to abandon any dream of freedom. And so we close in on ourselves, within our fragile certainty and security, inside the circle of people we like, in our safe routine..."

Withdrawing into ourselves is a sign of defeat, and it increases our fear of "others", strangers, outsiders, foreigners especially today, when migrants and refugees arrive to knock at our door in search of protection, security, and a better future...

It is not easy to enter into someone else's culture, to put on the shoes of people who are so different from us and understand their thoughts and experiences. And so we often refuse to encounter others and raise barriers to protect ourselves. Instead of this, we are called to overcome fear and open up to encounter." - Pope Francis



"It's not just about migrants. It's also about our fears."

- Pope Francis

Director's Message

Pope Francis' message inspires the theme of this year's World Day of Migrants and Refugees on 29 September 2019. In choosing this theme, Pope Francis reminds us that the so-called global migration 'crisis' is less one of people on the move and more one of fear in our responses. Pope Francis reminds us that we can be bolder, braver, and more open, that we can and must welcome, protect, promote and integrate refugees, people seeking asylum, and migrants.

Our Australian Catholic Bishops Conference (ACBC) unequivocally reaffirms this sentiment in their 2019 federal election statement, *Politics in Service of Peace*:

"We are called to respect the dignity of strangers and to welcome them regardless of how they arrive in Australia, all asylum-seekers should have their claims processed in Australia, according to international conventions and as speedily as possible. This includes resettling all remaining refugees on Manus Island and Nauru in Australia." [1]

What can we as women and men of the Church do to heed these calls?

As Australia approaches the Federal Election in 2019, we have a choice. We can vote for inclusive and humane policies that respect the dignity of all women, men, and children who come to Australia seeking safety and opportunity.

We can vote for leaders who stand for these values.

We are a large and prosperous country. We have boundless plains to share, and a long history of welcoming people from all around the world.

We also know that the economic, social, and cultural benefits of greater migration far outweigh the costs, and that migration is part of Australia's national story. But most importantly, we know deep inside us that refugees, people seeking asylum, and migrants are people with rights and dignity just like you and I.

Strangers No More, JRS Australia's policy statement for the Federal Election 2019 provides a guide to Catholics, and all other Australians on current policies and the significant challenges they generate for refugees, people seeking asylum, and migrants in vulnerable situations in Australia. The statement also provides key recommendations for a new government and parliament to take up.

In the spirit of Pope Francis' call and that of the Bishops' Conference, I encourage you to read the statement, share it widely, and vote for policies and leaders who stand for a culture of encounter and welcoming others. Use it after the election too to hold our new government to account.

Carolina Gottardo
Director, Jesuit Refugee Service (JRS) Australia

Priorities and recommendations for policy reform

In this statement we focus on six key issues which constitute part of Australia's current policy regime towards refugees, people seeking asylum, and migrants in vulnerable situations.

Some of these issues fall within the scope of the Refugee Council of Australia's (RCOA) *Platform for Change* to which JRS Australia contributed and fully endorses. JRS Australia's specific focus on these six issues emerges from serving and accompanying refugees and people seeking asylum on the ground in Australia and from partnerships, policy development, and research work at local, national, regional and global levels.

The suffering of children, women, and men on Nauru and Manus Island has rightly generated public concern in the last six months. These people are in Australia's care and their well being is our responsibility. We stand with large segments of the Australian population in calling for them to be brought to Australia, provided medical treatment, and allowed to rebuild their lives in peace and dignity.

PRIORITY 1: An adequate safety net for all people seeking asylum

1. The next Australian government should ensure that those who are unable to work due to health problems, low levels of English literacy, or caring responsibilities have access to SRSS.
2. The next Australian government should ensure that all people seeking asylum in the Australian community have the right to work, and the right to adequate healthcare via Medicare and the Pharmaceutical Benefits Scheme (PBS) regardless of status.
3. The next Australian government should reintroduce access to means-tested government funded legal assistance for people seeking asylum.

PRIORITY 2: A fair hearing, due process, certainty, and a right to family reunion for all people seeking asylum and refugees

4. The next Australian government should reintroduce common Refugee Status Determination (RSD) processes with departmental interviews, full rights to independent merits reviews via the Refugee Review Tribunal (RRT) and access to judicial review for all people seeking asylum.
5. The next Australian government should abolish the Fast-Track (FT) process, and all forms of temporary protection, and reintroduce permanent protection for all.

6. The next Australian government should devote additional financial and human resources for onshore visa processing in order to assess applications in a more timely and equitable manner.

7. The next Australian government should work towards finding the families and individuals evacuated from Manus Island and Nauru safe and durable settlement solutions, either in Australia or in appropriate third countries.

PRIORITY 3: Greater support for women seeking asylum who are at risk of or survivors of sexual and gender based violence (SGBV)

8. The next Australian government should facilitate the reporting of SGBV by:

(i) Introducing firewalls between public authorities and the Australian Border Force (ABF) to ensure that survivors of SGBV are in no way negatively affected by their immigration status and are able to access justice.

(ii) Developing a new temporary visa subclass for survivors of violence in Australia and pathways to permanent residence for those women and children who will demonstrably be at risk of further SGBV upon return to their country of origin.

9. The Australian government must provide additional funding for crisis accommodation in refuges, for specialist CALD-specific SGBV prevention and response services, for cross-sector training, and for NAATI-accredited translating and interpreting services.

PRIORITY 4: Alternatives to immigration detention

10. JRS Australia endorses the End Child Detention Coalition's (ECDC) recommendation to consolidate the removal of children in detention by legislating to permanently end the immigration detention of children on Australian soil.

11. JRS Australia endorses the recommendations for reform of Australia's immigration detention system outlined in RCOA's *Platform for Change*, including:

- (i) "Stipulating in law maximum time limits on immigration detention.
- (ii) Including in law the independent and judicial review of immigration detention.
- (ii) Pursuing clear community alternatives to immigration detention."^[2]

PRIORITY 5: Protecting forced migrants in the Asia-Pacific region

12. The next Australian government should announce an emergency resettlement quotas for Rohingyas in Bangladesh and develop criteria based on clear humanitarian principles for when such a quota can be activated in the future.

13. The next Australian government should reintroduce resettlement of UNHCR-recognised refugees from Indonesia to Australia within the annual humanitarian program.

14. The next Australian government should provide greater material, technical, and financial assistance to refugees and people seeking asylum in Indonesia to start/grow NGOs or social enterprises; and to enrol in local and online education.

15. The next Australian government should create expert working groups to explore complementary and regularization pathways to resettlement and avenues for common standards of local integration across the region, including in Australia.

PRIORITY 6: Adopting and implementing the Global Compact for Safe, Orderly, and Regular Migration (GCM) and the Global Compact on Refugees (GCR)

16. The next Australian government should adopt the Global Compact for Migration (GCM) and implement both Compacts.

17. The next Australian government should develop a 5-Year National Action Plan to implement both Compacts in collaboration with leaders with lived experience, civil society, faith groups, women's organisations, universities, unions, private sector corporations and diasporas.



EL COME
J.R.S

A group of people, including a man and several women, are sitting in a circle on the floor of a room. A chalkboard in the background has the text 'EL COME J.R.S' written on it. The room has yellow walls and a large window on the right side. A small table with a vase of red flowers is visible near the window.

"JRS taught us not to discriminate. Pedro Arrupe was Christian. If he said JRS was only for Christians, then you would not have helped us. So, we must follow his example. Even where others hesitate to go, we should go because of the spirit of Arrupe, who told us to reach those places no one else does." says a young Hindu woman.

Priority 1: An adequate safety net for all people seeking asylum

Adequate assistance via Status Resolution Support Service (SRSS)

SRSS is a discretionary, government-funded program that provides a small fortnightly payment (89% of the Newstart allowance), limited case work, and torture and trauma counselling to all eligible people seeking asylum in Australia.[3]

Since August 2017, the government has been restricting eligibility for access to SRSS. People who are no longer eligible include those studying 'full-time' (16 hours per week or more), people on substantive visas (eg. partner visas) who have subsequently applied for protection, and people who have transferred more than \$1000 to or from a domestic or overseas bank account over a 12 month period.

From 2018 onwards, those who are currently on the program are being assessed for 'job readiness' and expected to find employment within 28 days if found to be work ready. Parents with multiple school aged children and sick spouses, people under 70 years of age, and those with English literacy barriers are among those who are considered job ready.

The government has made no public comment announcing the reasons or intentions behind the policy. There is also limited transparency about the criteria for work readiness, inconsistency in the way eligibility is applied and no opportunity to formally review a final assessment.

In February 2018, there were 13,299 children, women, and men – many of whom did not have work rights for years and were dealing with complex mental health issues – were receiving support.[4] Close to 1,000 women and men have already been cut from the program either for 'work readiness,' money transfers, or full time study. These individuals are part of a larger group of 6,462 people had been removed from the program, including after receiving protection visas or negative decisions on visa applications.

Recent research commissioned by civil society organisations, including JRS Australia shows that only 20% of people seeking asylum from a sample of 19,100 are job ready.[5] 69% are either unemployed or not in the labour force.[6]

The changes are already generating significant social problems: scholarship holders no longer able to study at university; people being forced into unregulated, underpaid, and exploitative labour situations; people sleeping on couches, in cars, on trains, or in parks; families relying entirely on organisations such as JRS Australia for their food needs. Further cuts will create spikes in homelessness, forced destitution, and hunger across our major cities.

Legal status, work rights, and adequate health care for people seeking asylum

There is an equally large number of people seeking asylum in the Australian community who have had their protection applications rejected by the Department of Home Affairs (DHA) and the tribunals, and who are now waiting for court hearings, or ministerial intervention. Others have been transferred from Manus Island and Nauru.

In practice, most of these children, women, and men do not have access to SRSS, Bridging Visas, Medicare, pharmaceutical benefits, or work rights.

Depriving people from accessing their fundamental rights and social services whilst they are still in the refugee status determination (RSD) process in Australia, is further exacerbating situations of hunger, poverty, homelessness, limbo, and mental health problems across Australia.

Access to means-tested government-funded legal assistance

Part of the reason why thousands of people in the Legacy Caseload have had their claims for protection rejected is because they did not have access to adequate legal assistance during the complicated application and review process.

In 2017, the government announced that protection applications within the FT process needed to be strictly submitted by October that year. Failure to comply could result in the person being detained and removed from Australia. At the same time, the government cut 90% of publicly funded legal assistance to this same group of people. [7]

Many applicants relied on the hard work of community legal centres and pro bono law firms to submit their applications on time. Others submitted incomplete applications or applications that did not address relevant criteria in the Migration Act. Others chose to pay thousands of dollars, often through loans, to unscrupulous migration agents, incurring debt as a result.

In the context where the majority of people cannot afford private lawyers, access to adequate means-tested legal aid is fundamental to ensuring that applicants have due process and ultimately are not at risk of refoulement.

Brick walls or Barriers: Mohammed and Rosie's struggle to find safe and sustainable work

Mohammed and Rosie were receiving SRSS payments and living at a friend's house on the lounge floor. They were keen to work and earn enough money to secure safe accommodation.

Through Empowered to Work, JRS Australia staff met with Mohammed and Rosie and discussed possible pathways for them to reach their goal. Multiple barriers stand in the way of Mohammed and Rosie securing employment. These include very little English, no Australian work experience and very basic education and employment history in their home country. Both are also in their early 60s with significant health concerns.

In late 2018, JRS Australia received information that Mohammed and Rosie's SRSS support would be withdrawn. Despite their ages, illnesses, challenges with language and lack of local experience, the Australian government considered them 'job ready.' Their sole source of employment assistance would be the provision of a computer at a local JobActive office.

They were very distressed by this news and frightened as they had not yet secured a job or been able to find accommodation.

Mohammed had been attending a community gardening group. JRS Australia's hope was that his attendance would assist with networking opportunities, skills training, and a positive change in his mental health. All of which could ultimately lead to employment.

After his SRSS payments were cancelled, Mohammed could not afford the weekly commute and stopped attending the garden.

JRS Australia and House of Welcome advocated for Mohammed and Rosie to be reconsidered for SRSS payments but were advised that any further application would be denied on the grounds that were already deemed 'job ready.' This assessment could not be formally reviewed or appealed.

Mohammed and Rosie attended Empowered to Work, and have benefited from English classes, employment workshops, and job search assistance. They now understand the Australian system better.

Nonetheless, work remains elusive.

Mohammed, Rosie and the Empowered to Work team have reached out to supermarkets, corner stores, barber shops and other local businesses but have had no breakthroughs.

It was only through House of Welcome's shelter for people in highly vulnerable situations that Mohammed and Rosie were able to find a safe place to live.

When Empowered to Work first met Mohammed and Rosie, they had a safety net, albeit a small one, in their SRSS payments to support them become job ready over a long period of time.

They were hopeful about their chances of finding work with our support. Since their safety net was removed, we have witnessed their hope fade and their focus shift from safe, sustainable employment to basic survival again.

Our Response - The 'Empowered to Work' Program

Given the significant changes to the eligibility criterion for the Status Resolution Support Service (SRSS), the only way for many people seeking asylum to support themselves is to find safe and sustainable work against the odds.

Empowered to Work is a partnership between JRS Australia and House of Welcome, to assist some of the most vulnerable people seeking asylum in our community to find employment based on their needs and skills.

Many are on short-term bridging visas, do not speak English, or have ongoing mental or physical health conditions. In these circumstances, people are at risk of exploitation and of settling for unsafe, underpaid work.

Support provided includes resume writing, interview skills support, job searches, referrals, training through TAFE, job preparation workshops, and placements via partnerships with employers.

Empowered to Work has assisted more than 350 people since July 2017, and more than a hundred found some form of employment in 2018.

Recommendations

- 1. The next Australian government should ensure that those who are unable to work due to health problems, low levels of English literacy, or caring responsibilities have access to SRSS.***
- 2. The next Australian government should ensure that all people seeking asylum in the Australian community have the right to work, and the right to healthcare via Medicare and the Pharmaceutical Benefits Scheme (PBS) regardless of status.***
- 3. The next Australian government should reintroduce access to means-tested government funded legal assistance for people seeking asylum.***

Priority 2: A fair hearing, due process, certainty, and the right to family unity for all people seeking asylum and refugees

A common refugee status determination (RSD) process for all refugees

All people seeking asylum in Australia have the right to have their claims heard and processed in a fair, transparent, and timely manner and following accepted due process standards.

Australia's current RSD process for people seeking asylum arriving without valid visas is neither fair, transparent nor timely. The approximately 30,000 people in the 'Legacy Caseload' – children, women, and men who arrived in Australia by boat predominantly between 2012 and 2014 – have only been allowed to apply for protection under a complex and restricted 'Fast-Track' (FT) process and with limited access to government-funded legal assistance.[8]

The FT process sits in contrast to the process generally applied to people seeking asylum who have arrived with some form of visa (i.e. by plane) this latter group can apply for permanent visas and undergo an independent merits review assessment with a second interview at the Administrative Appeals Tribunal (AAT).

Under the FT process, an application rejected by the Department of Home Affairs (DHA) is passed on to a new Immigration Assessment Authority (IAA) for a review 'on the papers.' Applicants in the FT process thus generally have only one interview. This means that they have limited opportunity to respond to doubts about their identity or claim, or to provide substantive new information relevant to their case.

In JRS Australia's experience, being allowed to interview a second time is crucial to the integrity of RSD because of the high stakes at play. Interview environments create significant stress and anxiety; stories are often complex, and re-traumatising, involving rape, torture, and other degrading violations; and situations in some chronically fragile countries of origin change in subtle or localised ways. Assessing an applicant's credibility can be inadvertently affected by the subjective nature of face-to-face interaction in the interview room. It often takes more than a single interview for the complexities of cases to reveal themselves and for informed decisions to be made.

The FT process has created a situation in which hundreds, if not thousands of people believe they have not had claims properly heard. Many have credible fears that they will be at risk of significant harm, torture or worse if returned to places such as Afghanistan. Others such as those of Rohingya background, have nowhere to go.

The backlog of court applications stretching into 2020-2021, has created a situation of limbo for thousands of people, and financial and human resource pressure on our judicial system.

Permanent visas and family reunion for all refugees

Those in the 'Legacy Caseload' who are found to be refugees are given a 3-year Temporary Protection Visa (TPV) or 5-year Safe Haven Enterprise Visa (SHEV) with no right to family reunion in Australia, no access to higher education except by paying exorbitant international student fees, and no adequate pathway to permanent residence.

Numerous studies show that indefinite temporariness and the inability to reunite with family creates a lack of belonging in the settlement context, compounds past traumas, and precipitates new psychological illnesses.[9] Temporariness also affects the ability to find and maintain employment, and results in a greater long-term resource burden on health and homelessness services provided by governments, charities and local communities.

Many temporary protection visa holders from countries such as Iran, Afghanistan, Sri Lanka or the Rakhine state in Myanmar cannot return to places of origin due to chronically volatile political and security problems, or because they are stateless.

Timely processing and standards of procedural fairness

Since 2017, there has been a surge in people arriving by plane and applying for protection since 2017 – 27,931 in the last year alone.[10] Although people arriving by plane with valid visas are not subject to the FT process, and are able to receive permanent protection if found to be refugees, they often wait many years for claims to be adjudicated. During this time, many live in limbo and without access to family reunion. In JRS Australia's experience, the average waiting times for interviews are between 1.5 to 2 years. Delays are exacerbated by the fact that the number of visa grants appear to be capped at approximately 1,500 places per year.

Noting the low visa grant rates for people from countries such as China and Malaysia, JRS Australia's experience shows that some have complex, multi-dimensional claims pertaining to religious persecution, membership of discriminated social groups (ie. the LGBTIQ community) or gendered forms of violence.

Characterising the recent surge of applications solely as a 'border protection failure' is incomplete and irresponsible. Even in situations where people might have applied for protection in order to stay in Australia and work, we should acknowledge that Australian industries often depend on and promote cheap, unregulated labour to meet their profit margins. Many workers are trafficked, smuggled, exploited or enslaved.[11]

Australian governments should resist the urge to typecast people seeking asylum from these countries or erode standards of procedural fairness in addressing their plights

Certainty after Manus Island and Nauru

According to the Refugee Council of Australia (RCOA), as of 18 February 2019, 1,246 people have been evacuated from Manus Island and Nauru to Australia since 2013.[12] JRS Australia has supported approximately 60 people to access employment, accommodation, and other essential services.

Upon transfer, the vast majority of these children, women and men are placed across enclosed detention facilities, in community detention, or on six-month 'removal pending' Bridging Visas (BVs) without study rights. They remain in long-term limbo, and without much material or emotional control over their lives.

Many of these individuals are proven refugees. They want to be self-sufficient and rebuild their lives. They want to work, and would like their children to attend school and university. As of September 2018, approximately 35 people were thought to be separated from family members across Nauru, PNG, and Australia.[13]

They are owed safety, certainty and opportunity in Australia or elsewhere to rebuild their lives.

Our Response - Western Sydney legal service partnership with RACS

From September 2015, JRS Australia and Refugee Advice and Casework Service (RACS) have partnered to provide free legal assistance to people seeking asylum, both in the FT process and outside of it.

Every Monday and Friday, RACS lawyers provide expert pro-bono assistance to the families and individuals JRS Australia serves in Western Sydney. This service currently focuses on a reassessments for TPV-holders whose protection visas are expiring. This service is complemented by a form-filling clinic in which JRS volunteers assist people to complete the onerous forms required for a protection application.

The partnership played a crucial role in ensuring that people in the FT process were able to lodge valid, substantive applications by the arbitrary 1 October 2017 deadline.

In 2018, the partnership conducted 88 legal clinics for 1,223 people.

The partnership has given us key insights into the ways in which the FT process can render families and individuals with strong refugee claims at risk of return to situations of danger.

Recommendations:

4. The next Australian government should reintroduce common Refugee Status Determination (RSD) processes with departmental interviews, full rights to independent merits reviews via the Refugee Review Tribunal (RRT) and access to judicial review for all people seeking asylum.

5. The next Australian government should abolish the Fast-Track (FT) process, and all forms of temporary protection, and reintroduce permanent protection for all.

6. The next Australian government should devote additional financial and human resources for onshore visa processing in order to process applications in a more timely and equitable manner.

7. The next Australian government should work towards finding the families and individuals evacuated from Manus Island and Nauru safe and durable settlement solutions, either in Australia or in appropriate third countries.

Priority 3: Greater support for women seeking asylum who are survivors or at risk of sexual and gender based violence (SGBV)

Australia is facing an SGBV crisis. Decision-makers from all sides of politics have made strong commitments to improve support services for survivors. The current government also reaffirmed its commitment to women in vulnerable situations overseas, granting 2,126 'Women-At-Risk' (subclass 204) visas in the 2017-2018 Humanitarian Program.[14]

However, women on non-partner temporary visas, and especially women seeking asylum in Australia do not feature in discussions, debates, and solutions to this problem. Like in other areas of social policy, they are rendered invisible by their visa status.

Data on the nature and extent of gendered violence against women is limited. One key study highlights that close to 10,000 women on partner visas alone experienced domestic/family violence by annual average between 2013 and 2017.[15] Another study highlighted that 387 women with 351 dependent children on temporary visas experienced violence and accessed services in the month of August 2018 alone.[16] Given the significant barriers to reporting such forms of violence, these numbers are just the tip of the iceberg.

Reporting violence

A recent pilot study by JRS Australia highlights the barriers women seeking asylum and women on other forms of temporary visas face in reporting, navigating and protecting themselves from SGBV.[17]

Many women seeking asylum experience rape, torture and other forms of SGBV in their home countries, often by leaders or institutional authorities such as the police. These experiences can make it harder to trust authorities in Australia.

Women fear that reporting violence will have negative consequences for their immigration status. They fear that complaints will be passed on to the Department of Home Affairs (DHA) and trigger visa refusals or cancellations on grounds of bad character. This is a pertinent reality, especially in situations where the male perpetrator is also the primary protection visa applicant for the family.

Moreover, whereas an interim or apprehended violence order (IVO/AVO) – which can trigger visa refusals or cancellations and bring prolonged periods of detention for the perpetrator– may bring physical safety for a woman and her children, it can create new problems such as forced destitution, homelessness, and stigma from community.

Similarly, many women fear that the negative consequences which stem from the reporting of violence in Australia will create problems between families back home. Additionally, the possibility of detention and return or deportation can render women survivors and their children vulnerable to further violence (eg. honor killings) from extended family and community members once they have returned to their home countries.

Access to support services for survivors and those at risk

Women seeking asylum who experience violence find it difficult to leave these circumstances because they are either ineligible for necessary support services or cannot access them in practice.

Many women seeking asylum, especially those seeking judicial review or ministerial intervention on their visa claim, do not have access to any form of financial support, Medicare, childcare subsidy, or NAATI-accredited translating and interpreting services. These barriers render the woman dependent on the perpetrator, extended family, or charity. For example, without access to free or subsidised childcare many women seeking asylum cannot work and must rely on charity for food, clothing, and shelter.

Similarly, without readily available access to the Status Resolution Support Service (SRSS), many women seeking asylum experiencing violence do not have the financial means to live independently.

Although government support packages are theoretically available to all women in Australia, many women seeking asylum report being turned away from refuges and other casework services. Demand for such services is much higher than supply, and women on temporary visas are often afforded lower priority due to their visas status.

Women also report being turned away because services do not understand what a Bridging Visa (BV) is or because they are aware that women holding BVs will require longer-term wrap around support that their crisis service cannot provide. Some services are simply not funded to assist women on temporary visas.

Finally, in many cases, limited English language fluency, limited understanding of Australian systems, legislation and entitlements, the absence of community or friends and a compounding lack of confidence prevents some women from finding appropriate services.

Women in the most precarious and vulnerable situations in Australia must feel comfortable and safe enough to report SGBV and access support services. SGBV is a crime regardless of the migration status of women affected by it.

Deepa's struggle to obtain support after experiencing domestic and family violence

Deepa came to JRS Women's space in Parramatta via a pro-bono legal service who are assisting with her visa application.

Deepa originally arrived in Australia on a prospective partner visa and experienced significant domestic violence throughout her relationship. The relationship broke down and Deepa had the courage to leave.

She returned to her country of origin, but was rejected by her own family. Here she experienced further violence at the hands of specific family members. Deepa explained that this was due to the shame a married woman brings to the family by returning home without her husband.

Deepa left again. She returned to Australia and is now seeking protection here.

When Deepa was referred to JRS she was homeless and living in a hostel which had been paid for by another NGO for two weeks. Overstretched, the NGO made it clear that they could not provide any further financial assistance.

Deepa attended an assessment with a JRS caseworker. She had significant mental health concerns related to the profound trauma of physical, emotional, and sexual abuse suffered during her relationship. Deepa's mental health condition was further impacted by her homelessness and lack of regular access to clean clothes, hygiene products and other essentials.

JRS Women's space provided emergency financial assistance to pay for Deepa's temporary accommodation for a period of 5 weeks.

Deepa had been referred to the SRSS program a number of weeks prior by the legal service, but the application had stalled and the legal service was unsure about how to follow up. A JRS caseworker contacted the SRSS provider to find out what was happening.

The SRSS intake worker advised that the application could not go ahead as Deepa was unable to obtain an overseas bank statement. Given her recent experience at home, Deepa's family members were unlikely to help. Nonetheless, Deepa had to demonstrate that attempts had been made to obtain the statement.

JRS Australia advocated consistently for weeks in order to get the SRSS application submitted to the Department of Home Affairs (DHA). The application was ultimately approved but not before Deepa's health deteriorated further and resulted in hospitalisation during this period.

Our Response - The 'Finding Safety' Project

In 2018, JRS Australia published 'Free From Violence against Women and Girls,' a research report documenting the experiences of women seeking asylum who are at-risk of or who are survivors of SGBV. The report, one of the first focused on women seeking asylum, found significant gaps in understanding of their plights, tailored support services, and advocacy.

In response, JRS Australia launched 'Finding Safety,' a project which provides a safe space, leadership development, training for self-led advocacy, peer-to-peer support, community activities, and cross-sector training for staff in the asylum and gender violence sectors across NSW. Staff will also conduct outreach in communities across Sydney to reach women from different communities.

The project is driven by an advisory group comprised of women leaders with lived experience of seeking asylum.

Recommendations

8. The next Australian government should facilitate the reporting of violence by:

(i) Introducing firewalls between public authorities and the Australian Border Force (ABF) to ensure that survivors of violence are in no way negatively affected by their immigration status and are able to access justice.

(ii) Developing a new temporary visa subclass for survivors of violence in Australia and pathways to permanent residence for those women and children who will demonstrably be at risk of further violence upon return to their country of origin.

9. The Australian government must provide additional funding for crisis accommodation in refuges, for specialist CALD-specific DFV prevention and response services, for cross-sector training, and for NAATI-accredited translating and interpreting services.

Priority 4: Alternatives to immigration detention

A permanent end to the immigration detention of children

The mandatory immigration detention of children came into effect in 1992 and has been a consistent practice of successive Australian governments since. Countless academic publications and reports describe the longstanding damage that prolonged immigration detention does to children.[18]

The Australian Human Rights Commission's (AHRC) National Inquiry in Children in Immigration Detention 2014 found that children in detention were assessed as having mental health disorders at levels of seriousness comparable to children with diagnosed mental illnesses receiving outpatient mental health care in community.[19]

The report also found that children are regularly exposed to or involved in incidents of violence, sexual assault, and self-harm, and also to parents who are relatively incapacitated by their own mental illnesses.[20] Almost 300 children engaged in self-harm or threatened it in a 15 month period, a rate of almost one a day.[21]

JRS Australia's experience with children who have been medically evacuated from Nauru indicates significant rates of post-traumatic stress disorder (PTSD), complex depressive disorders, lethal hopelessness, and suicidal ideations. Children also experience trauma withdrawal syndrome, a condition that can precipitate a state of catatonia for weeks, months and even years.[22] Children as young as seven have attempted to kill themselves on Nauru.[23]

Children in detention also miss out on regular, high quality pre-school, primary, and high school education, which has "lifelong negative impacts on learning, emotional development, socialisation, attachment to family members, academic progress, and maturation." [24]

While JRS Australia acknowledges the steady removal of children from detention centres on Nauru and onshore, the mandatory and prolonged detention of children is never in the best interests of the child. It constitutes a fundamental breach of the Convention of the Rights of the Child to which Australia is a signatory.

Alternatives to immigration detention for adults

Mandatory and prolonged detention harms adult men and women. It is equally a violation of Australia's international human rights obligations. As of 31 January 2019, Australia detains adults in immigration detention centres for an average of 500 days, and more than 250 people have spent in excess of two years in detention.[25] Both onshore and offshore, such incarceration has generated serious mental health and physical health crises.

For example, UNHCR fact-finding missions to Manus Island and Nauru found some of the highest rates of depressive, anxiety, and post-traumatic stress disorders in any environment. 88% of those surveyed on Manus Island were found to be suffering from one or more of these illnesses,[26] whereas a smaller sample surveyed on Nauru found that 83% were suffering from the same.[27]

Similarly, the AHRC's most recent published report on Christmas Island (CIIDC) concluded based on a Kepler Psychological Distress (K10) test that "a significant number of people detained there are likely to be experiencing moderate to severe mental disorders, which may be caused or compounded by experiences of detention." [28]

Moreover, the cost of detaining people on remote islands is much higher than processing them in the community, and the negative flow-on health and productivity consequences are greater the longer a person has been detained.[29] It has never been conclusively proven that immigration detention acts as a sound deterrent for future irregular migrant arrivals.

There are well-established alternatives to detention being implemented across globe, which Australia should seriously explore.[30]

A young Rohingya man in a detention centre in Indonesia



Our Response - The End Child Detention Coalition (ECDC) Australia

In response to two decades during which Australia locked up thousands of children in immigration detention centres, civil society groups came together to form the End Child Detention Coalition (ECDC) Australia.

JRS Australia co-chairs ECDC Australia, the Australian branch of a global campaign to end child detention spearheaded by the International Detention Coalition (IDC). At present there are almost no children in immigration detention and there is strong commitment to end child immigration detention in Australia. ECDC's core objective is to ensure that current government policy is reflected in legislation. In other words, it is to facilitate bipartisan support for an amendment to end the practice of detaining children in mainland Australia once and for all.

ECDC Australia currently comprises of 26 member organisations, with a total of 170 staff, around 1,100 volunteers, and over 220,000 supporters across all States and Territories of Australia.

Recommendations

10. JRS Australia endorses the End Child Detention Coalition's (ECDC) recommendation to consolidate the removal of children in detention by legislating to permanently end the immigration detention of children on Australian soil.

11. JRS Australia endorses the recommendations for reform of Australia's immigration detention system outlined RCOA's Platform for Change, including:

- (i) "Stipulating in law maximum time limits on immigration detention.***
- (ii) Including in law the independent and judicial review of immigration detention.***
- (iii) Pursuing clear community alternatives to immigration detention."***^[31]

Priority 5: Protecting forced migrants in the Asia-Pacific region

The Australian government should take a leading role in responding to forced displacement emergencies in the Asia Pacific region whilst working towards longer term regional protection solutions.

These should be based on the principles of responsibility-sharing, fostering durable solutions, expanding complementary and regularisation pathways, exerting diplomatic pressure, restructuring aid in line with regional priorities, addressing climate induced displacement and facilitating private and INGO investments in refugee communities.

Three current challenges take precedence at present.

Addressing protracted displacement in Indonesia

As of 1 March 2019, there are 14,027 refugees and people seeking asylum in Indonesia. 28% or approximately 3,297 are children and 2% or 280 are elderly.[32] Approximately 7,050 people live in Jakarta and surrounding areas, and the overwhelming majority at 55% are Hazaras from Afghanistan.[33]

JRS staff in Indonesia report that the humanitarian situation for many of these children, women, and men is desperate. The majority of people live in semi-urban settlements without any form of legal status, no right to work, study or marriage, or freedom of mobility. Key concerns include accessing regular and nutritious food, shelter and adequate primary health care. Many have been in Indonesia for years, without any clear pathways to rebuild their lives or certainty about what will happen to them.[34]

Successive Australian governments have contributed significantly to this protracted limbo and therefore have a special humanitarian responsibility to this group of people. Since 2013, Australia has conducted thirty-three known boat 'turn-back' operations, most arriving from Indonesia. In parallel, the Australian government announced in July 2014 that no new UNHCR-recognised refugees residing in Indonesia would be resettled in Australia, thus permanently closing the door on those waiting for resettlement.

In March 2018, the Australian government cut vital funding for basic support services in Indonesia, leaving approximately 5,200 children, women, and men living in destitution or surviving on charity and family support.[35]

Australia must play a much more constructive role in protecting refugees and people seeking asylum in limbo in Indonesia.

Support for alternative pathways to resettlement and refugee-led local integration

The time has come for Australia to show regional leadership in promoting complementary and regularization pathways to resettlement, and to promote safe, sustainable and mutually beneficial local integration of forced migrants across the Asia Pacific region.

JRS Australia endorses proposals put forward by partner civil society organisations in the Australian Community Refugee Sponsorship Initiative (CRSI), which encourage up to 10,000 community sponsorship places per annum over the next five years, additional to Australia's humanitarian quota.[36]

Australia should also consider a higher proportion of skilled migration places for refugees within Australia's overall migration program. Such a proposal is based on the recognition that many refugees are skilled, and can contribute equally to those classified as skilled migrants, including if appropriately selected to fill job shortages or live in regional areas.

Another potential pathway to be explored in more detail is for Australia's higher education providers – both universities and vocational educational providers – to increase the number of students from refugee backgrounds who can enrol in courses as international students, either on scholarships or with access to private/government funding, and with pathways to permanent residence.

Emergency quotas for Rohingyas in Bangladesh

As Since August 2017, more than 900,000 Rohingya have fled targeted violations and serious human rights violations in Rakhine State, Myanmar.[37] The majority have sought refuge in the Cox's Bazar district of Bangladesh.

The vast majority of people fleeing Myanmar are women and children. More than 40% are under 12 years old. The UNHCR describes this influx into Bangladesh as one of the largest and fastest growing humanitarian crises in decades.

JRS staff members in Bangladesh report that the humanitarian situation on the ground is dire. People arrive deeply traumatized by the loss of family, community members, land, and dwellings. A large number of children have been orphaned, pregnant women lack access to maternal health facilities in the camps, and malnutrition is an ongoing problem.[38] The lack of sanitation, clean water, and the monsoons make communicable diseases a major concern, and the lack of adequate infrastructure in Cox's Bazar is putting further strain on the local population, especially when there are delays in aid supplies. A recent report by the Centre for Policy Development (CPD) highlights that “conditions for high levels of trafficking, smuggling and related forms of abuse are present and will intensify over time.”[39]

JRS Australia acknowledges the Australian government's provision of approximately \$70 million in humanitarian assistance since August 2017; specialised support to approximately 83,000 women survivors of sexual and gender-based violence as of November 2018;[40] and that Australia has been the third largest donor to the UN's consolidated humanitarian appeal for the crisis.[41]

Nonetheless, more can be done including announcing much needed resettlement quotas for Rohingyas at high risk.

Women make handicrafts at a JRS child friendly space near Cox's Bazar



STORY

Limbo and Death in Indonesia

On 7 February 2019 in Manado, Sulawesi, Sajjad, a 24 year old man who had just finished his undergraduate degree in information technology at a local university, doused himself with petrol and set himself on fire.

Sajjad and his parents arrived in Indonesia and claimed asylum in 2000. They moved to Sumbawa where they focused on integrating into the local community. Sajjad and his younger sister attended school, but the family struggled to make ends meet.

In 2011, the passage of a new immigration law and increased pressure from Australia to detain refugees in Indonesia created significant change in the family's circumstances. Sajjad and his siblings were taken out of school and sent to an immigration detention center (IDC) on the northern tip of Sulawesi. This was to be their home for the next eight years. Life in prolonged detention fuelled frustration, anger, and mental anguish for Sajjad and his family.

Sajjad died of his injuries on 13 February 2019, six days after self-immolating. On the day of Sajjad's death, Australians woke to the government's claim that the passage of the 'Medevac Bill' would restart boats from Indonesia and weaken Australia's borders. But for Sajjad, getting on a boat to Australia was both not a priority (he was a student) or not possible (he was detained).

In his last days, Sajjad said that powerful interests had taken his family's opportunities, rights and dignities away. Authorities had recently taken away his hand phone, disallowed his siblings from attending school, and talked of possible removal back to Afghanistan. Far from waiting around to get on a boat, he and his family were fighting a very different battle for survival in Indonesia, one that was much to do with Australia's influence on immigration policy in that country.

For Sajjad's family, thousands of other refugees, and civil society in Indonesia, it is the forthcoming election that holds hope. It is the hope that a change in the Australian government may lead to an increase in refugee resettlement to Australia and a more human rights-centric approach to migration in the region.

Our Response - JRS in Indonesia

For the past 30 years, JRS Indonesia has accompanied, served, and advocated for refugees and other displaced peoples living in urban areas and detention centres across the archipelago.

JRS Indonesia currently serves 1,723 people via psychosocial support, emergency relief and assistance, and education to refugees.

Specifically, JRS Indonesia supports refugees in the Medan and Surabaya immigration detention centres (IDCs), organising accompaniment visits, cultural and religious celebrations, sport and recreational activities, English and sewing classes, and movie screenings.

In Cisarua near Jakarta, JRS Indonesia provides basic medical care and psychosocial support in the form of family outings, sport sessions, and other recreational activities. JRS Indonesia conducts information sessions pertaining to health, the refugee status determination (RSD), family reunification matters, and resettlement. JRS Indonesia also provides adult education focused on language and communication skills in English and Bahasa Indonesia.

Recommendations

12. The next Australian government should announce an emergency resettlement quotas for the Rohingya in Bangladesh and develop criteria based on clear humanitarian principles for when such a quota can be activated in the future.

13. The next Australian government should reintroduce resettlement of UNHCR-recognised refugees from Indonesia to Australia within the annual humanitarian program.

14. The next Australian government should provide greater material, technical, and financial assistance to refugees and people seeking asylum in Indonesia to start/grow NGOs or social enterprises; and to enrol in local and online education.

15. The next Australian government should create expert working groups to explore complementary and regularization pathways to resettlement and avenues for common standards of local integration across the region, including in Australia.



Where is freedom !!?

*Di mana **BEBAS** !!?*

Priority 6: Adopting and implementing the Global Compacts

In September 2016, world leaders signed the New York Declaration for Refugees and Migrants, a commitment to 'save lives, protect rights, and share responsibility on a global scale' for people on the move. One of the key manifestations of this commitment was for member states to develop a Global Compact on Refugees (GCR), and a Global Compact for Safe, Orderly and Regular Migration (GCM) in 2017 and 2018.

Whereas Australia has adopted the GCR, it has not adopted the GCM.

In the arena of migration governance, the GCM is the first global instrument of its kind and a historic achievement in international cooperation on migration. The GCM's normative potential is significant. By signing on to it, states agree in principle and practice, to make a range of detailed commitments across 23 detailed objectives to ensure safe, orderly, and regular migration across the globe.

The Catholic Church's crucial role in fostering a rights-based Compact

In mid-2017, His Holiness Pope Francis issued the 20 Action Points for the Global Compacts. In his address for 104th World Day of Migrants and Refugees 2018, Pope Francis once again invited Catholics to "use every occasion to share [his] message to welcome, promote, protect, and integrate migrants and refugees with all political and social actors involved...with the Global Compacts."^[42]

The Holy See, led by H.E. Archbishop Bernadito Auza, Permanent Observer of the Holy See to the UN, and Lead Negotiator Tim Hermann also played crucial roles in securing a rights based GCM, based on the Pope's 20 Points of Action.

Fundamental to this position is the notion that all migrants are individuals with human dignity and deserving of protection regardless of their legal status.

In the final round of negotiations, the delegation of the Holy See emphasized the following specific issues:

- That the provision of humanitarian protection and the principle of non-refoulement are obligations that all States have under international law and that these principles can apply to all migrants, regardless of status.
- That states must provide access to shelter, health, education, and justice services to all migrants regardless of immigration status as a matter of international obligation and because migrants are first and foremost human beings.
- That family separation is never in the best interests of the State nor of the child, and that the family is a fundamental unit of society.

Adoption and implementation of the GCM will benefit Australia

As civil society representatives led by JRS Australia wrote in a public letter to parliamentarians in December 2018, “the success of modern Australia is synonymous with our multicultural story...we have a long track record of welcoming migrants and refugees into this country.”[43]

If adopted, the GCM provides a key platform to share the successes of our world-class humanitarian and skilled migration programs and highlight the positive impacts of migration on the economy and society. It provides an opportunity to influence the trajectory of global and regional migration governance.

If Australia is serious about finding common regional protection solutions for forcibly displaced people in the Asia-Pacific region, the Compacts provide a detailed and legitimate framework from which to draw on.

Over 150 countries have already adopted the GCM, including regional partners Indonesia, Malaysia and Thailand, who are not signatories to the 1951 Refugee Convention or its 1967 Additional Protocol. Kick-starting a new regional conversation based on the Compacts will also help rehabilitate Australia’s reputation in the region.

A serious approach to implementing the GCM could generate ground-breaking developments in the way in which Australian society addresses migration. It could:

- Help reorient societies' in viewing migrants as people with rights and dignities.
- Focus attention on emerging policy issues such as disaster-induced displacement, the situation of undocumented migrants, and the agency of diasporas;
- Usher in a coherent whole-of-society responses involving people on the move, civil society, faith groups, corporations, universities, and governments at all levels.

JRS Australia Director at the adoption of the GCM in Marrakech



Our Response - A leading voice on the Compacts

Following Pope Francis' 20 Points for Action, JRS Australia has been a leading civil society voice in shaping the trajectory of the Compacts, and in calling for governments to adopt and implement them.

As a member of the Asia Pacific Refugee Rights Network (APRRN), JRS Australia attended global and regional civil society (CSO) consultations, and the member state negotiations on the GCM at the United Nations. JRS Australia also worked closely with other civil society voices such as Act Alliance to influence member states' perspectives on issues such as access to basic services, and alternatives to detention.

Domestically, JRS Australia coordinated a public letter campaign from 34 civil society peak bodies, faith groups, and NGOs to all parliamentarians calling for the Australian government to adopt the Compacts.

Implementation is the most important and hardest part of this process. JRS Australia is working actively with the new UN Network on Migration and the Jesuit Conference of Asia Pacific (JCAP) migration network to ensure governments implement the GCM in ways that are most resonant with the challenges refugees and migrants face on the ground.

JRS Australia is also partnering with the University of NSW's Forced Migration Network on a monitoring project to ensure the GCR is implemented in a gender-responsive manner across the Asia-Pacific region.

Recommendations

16. The next Australian government should adopt the Global Compact for Migration (GCM)

17. The next Australian government should develop a 5-Year National Action Plan to implement both Compacts in collaboration with leaders with lived experience, civil society, faith groups, universities, unions, private sector corporations and diasporas.

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