Proposed Pilot of a Private / Community Refugee Sponsorship Program

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Introduction
This submission from AMES has been prepared in response to the Department of Immigration and Citizenship (DIAC) Discussion Paper seeking views on the feasibility, scope and characteristics of a private / community refugee sponsorship program.

AMES has worked for over 60 years with refugees and newly arrived migrants to ensure they are well supported in their settlement in Victoria. The organisation provides a comprehensive range of settlement services for migrants and refugees including on-arrival settlement support, English language and literacy training, vocational training and employment services.

Executive summary
AMES supports in principle DIAC’s proposal to pilot a private/community sponsorship program for refugees as a way of increasing the number of refugees able to settle in Australia under the Humanitarian Program.

AMES recommends that to enable successful settlement and avoid the emergence of a “two tiered” system, the type of support offered to privately sponsored refugees match as closely as possible that offered to other refugees arriving in Australia.

The high number of protection visa grants in Australia has impacted on the number of places available under the Special Humanitarian Program (SHP) over the past three years. AMES believes the proposed program provides an opportunity to address the effect of this significant reduction in the SHP on off shore refugees and their families in Australia.

AMES recommends that (i) well established, reputable and financially secure organisations; (ii) and well settled, financially secure individuals / families are potential private sponsors.

A rigorous selection, supervision and monitoring process is critical to ensure

- Sponsors have sufficient financial resources and the capacity to successfully settle refugees
- All sponsorship obligations are met and
- Refugees are not exploited or isolated after arrival.

AMES recommends private sponsors be fully responsible for refugees for a minimum period of 6 months, excluding health related expenses. Medicare eligibility should apply.

Refugees selected for private sponsorship must:

- meet the UN definition of refugees
- undergo the same identity, health, character and security screening and assessment processes as other refugees in the Australian Government’s Humanitarian program
- be identified as part of off-shore selection processes

AMES recommends a small pilot of 250 refugees and 5-10 sponsoring organisations.
An important step will be a third party evaluation of private sponsorship arrangements to inform workable and cost effective arrangements for a more permanent program, particularly in relation to measures the Government could implement to

- help sponsors meet their obligations,
- manage of breakdown in sponsorship arrangements and to
- ensure against any kind of unfair treatment or exploitation of refugees.

Community Consultation

AMES consulted with people from newly arrived communities in preparing this response. A focus group was held with nine community members, representing the Karen community from Burma, South Sudanese, Iranian, Chaldean, Afghani, and the Tamil community from Sri Lanka.

These community representatives work with newly arrived refugees in the settlement programs delivered by AMES, and have been in Australia for varying periods of time (up to 10 years). In this capacity the community representatives have had experience observing and assisting in the settlement of refugees, as well as having been through the settlement process themselves after arriving in Australia as refugees. AMES has included the views of these communities in this submission.

Organisation

This submission is organised in four sections reflecting the broad categories in the Discussion Paper:

1. Who should be able to sponsor refugees?
2. Identification of refugees for sponsorship
3. Responsibilities of Sponsors
4. Safety Net considerations

1 Who should be able to sponsor refugees?

Private sponsorship of refugees requires two essential elements:

- Financial resources and
- Ability / capacity to assist refugees to settle.

Financial resources need to be sufficient to provide airfares and travel to Australia, pre embarkation medical checks, accommodation, adequate living expenses and necessities for the refugee / family for a period of at least six months.

Ability / capacity to assist refugees to settle includes knowledge of mainstream and specialist services, time to orient new arrivals to their own and the broader community, assistance with practical matters, provision of current, accurate settlement information, links to employment and the commitment required to fulfil the sponsorship undertakings.

An important part of the vetting process would be the recognition, by the potential private sponsor, of the challenges inherent in settling refugee s/refugee families and how they propose to manage these challenges.
Two categories of potential sponsors have been identified:

1 Organisations

2 Individuals / families

All sponsors would be required to enter into formal sponsorship agreements with DIAC outlining their obligations and undertakings as a sponsor, including settlement and risk plans.

Organisations

Organisations eligible to become private sponsors of refugees need to be highly reputable organisations vetted through due diligence and rigorous selection processes. This may include for example, faith-based organisations (churches, mosques), humanitarian organisations and community based organisations (both “mainstream” and migrant/refugee). Larger organisations such as these could sponsor several refugee families, whereas smaller migrant and refugee community organisations may have capacity to sponsor only single families from their community.

A sponsoring organisation must

- be an established, financially viable organisation
- provide evidence of financial capacity
- have a demonstrated understanding of issues in refugee resettlement
- demonstrate how they will provide financial support for first six months
- undergo police checks and working with children checks where appropriate
- provide a plan of how adequate accommodation will be provided
- provide a plan for how the refugee family will be provided with accurate, current settlement information, linked to mainstream agencies and specialist services
- provide a plan for managing breakdown of sponsoring arrangements and / or critical incidents (risk plan)
- ideally provide an initial job for the refugee or show how they will link refugee to employment opportunities.

AMES acknowledges that migrant and refugee community organisations do contribute significantly to settlement once people are here. Examples include provision of information, social support and orientation to the community.

However some migrant / refugee communities have more capacity than others. For example, in the community consultations the Karen Burmese representative reported that the community (located in Western Melbourne) could provide airfares and medical checks, accommodation, household goods and a job for a privately sponsored refugee/s; whilst the Tamil representative reported that they could provide assistance with accommodation and basic needs but “finding a job would be very difficult for the community.”

AMES recognises that the requirements of private sponsorship will preclude many of the smaller / less well established / more recently arrived communities, who do not have the financial resources or social capacity needed to take on full sponsorship responsibilities.
Individuals / Families

Individuals / families applying to be private sponsors would need to be financially secure Australian citizens, or permanent residents who are well established in Australia. The Canadian model which includes groups of 4 or 5 individuals ensures that there is a safety net if something happens to a single individual sponsor.

As is suggested (above) for organisations; individual / family sponsors would need to have adequate financial resources and capacity / ability to provide practical settlement support. This category of private sponsor closely matches the current SHP proposer model and DIAC’s checklist for SHPs provides guidance on specific requirements which would be useful to apply.

In regard to evidence of current employment and a steady income, one community member suggested that a system of credit checking similar to that used by banks in vetting customers for loans, could be used (i.e. need to show funds and record of income as part of a “points system” to determine eligibility.)

As with small community organisations of newly arrived migrants and refugees, private sponsorship would not be feasible for new and recently arrived individuals / families who themselves are in the process of settling.

Other options

An approach suggested at the Community Consultation was that large employers may be potential sponsors. Communities stated that on arrival employment would be a distinct benefit for a newly arrived refugee. However, it is unlikely that employers or private companies would have the resources, expertise or motivation to undertake all private sponsorship obligations. A participant in the Community Consultations suggested that Government would need to provide or create a “benefit” or incentive to companies to become involved, such as a tax concession, in order to encourage companies to participate.

One potential approach suggested at the Community Consultation may be that the employer provides the job and a community organisation delivers the settlement assistance obligations as part of a joint sponsorship arrangement.

Given the critical importance of employment in the settlement process there is potential to pilot a joint sponsorship arrangement whereby a large employer (providing a job and negating the need for provision of living expenses) works in a formal partnership with a community organisation (providing accommodation and practical settlement assistance). There is potential for this arrangement to be piloted in a rural regional area.

AMES believes that the involvement of employers in private sponsorship would require particular selection, vetting and monitoring by DIAC; in particular mechanisms to avoid exploitation of refugees. For example, employers would need to provide DIAC with payslips and ATO tax file numbers to prove the employment was fairly paid, and that refugees did not move straight into the “black money economy.”
2 Identification of refugees for sponsorship

Private sponsoring organisations, individuals / families may nominate refugees they wish to sponsor. Selection of refugees sits with the Australian Government.

Refugees coming to Australia under a private sponsorship scheme must:

- meet the United Nations definition of Refugee
- undergo the same identity, health, character and security screening and assessment processes as other refugee entrants in the Australian Government’s Humanitarian program
- be identified and selected as part of Australia’s off-shore processes.

This clearly situates the decision around eligibility for resettlement and selection of privately sponsored refugees within the existing Australian Government’s Humanitarian Program processes and not with private sponsors.

Private sponsorship arrangements could effectively be applied to two main groups: family re-union cases and those with a high level of capacity to gain independence; noting that these are not mutually exclusive.

Family re-union

Given the importance of “intact” families to successful refugee settlement AMES recommends immediate family members in separated families be eligible and prioritised for a private sponsorship arrangement. Essentially the scheme could address the downturn in numbers of off shore refugees who would formerly have been arriving under the SHP.

The Community consultations highlighted the fact that currently significant funding is going out of Australia to support these immediate family members.

SHP entrants have reduced from 5,183 in 2006/07 to 2,973 on 2010/11 nationally. In Victoria, HSS data for first quarter, 2012 shows that only nine clients (1.6% of all HSS clients) arrived on SHP visas compared to 343 protection visa clients (61% of the program).

DIAC advises that the high demand for SHP visas mean that it may take several years for applications to be decided and most will be unsuccessful.

AMES experience in HSS and AMEP is that refugees trying to sponsor their immediate family members to Australia have been, and continue to be, extremely stressed at the decrease in SHP places and the closing of this avenue to reunite families. This distress and anxiety impacts on their own capacity to settle and be fully functioning in Australia.

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1 As defined in the 1951 United Nations Convention Relating to the Status of Refugees (the Refugee Convention), a refugee is defined as a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country or return there because there is a fear of persecution…”

The private sponsorship scheme provides an opportunity to target refugees in regions / countries who are currently “missing out” because of the significant increase in asylum seekers / 866s and consequent reduction in entrants under the visa 202 category (SHPs). This includes African countries such as Congo, Sudan and West Africa.

Highly traumatised, vulnerable people with complex health issues are best catered for in the core government refugee program due to the high level of specialist service required which would generally be outside the capacity of private organisations and sponsoring individuals / families to effectively manage.

Selection of refugees as part of off shore arrangements would allow for pre arrival AUSCO type pre embarkation program to be undertaken to assist in preparing people for their arrival, clarifying expectations and providing essential information regarding the responsibilities and obligations around private sponsorship.

3 Responsibilities of Sponsors

DIAC’s proposed program will require sponsors to take responsibility for assisting refugees with most, if not all, of their resettlement. The objective of increasing numbers without significant federal Budget impact requires that the services usually provided to refugees under HSS would be taken up by private sponsors, and the eligibility for other government funded services will be limited.

Private sponsors would therefore be responsible for providing care, accommodation, settlement assistance and support for the first six months after arrival.

Private sponsors may sponsor individuals or families. In the case of a family the private sponsor would be responsible providing for all family members.

In addition to providing specific “services” to refugees, sponsors also have a role in supporting the transition to independence during the first 6 – 12 months, in assisting refugees to adjust to life in Australia, and in teaching rights and responsibilities of permanent residence in Australia.

Responsibilities include pre and post arrival components.

Pre arrival components include

- Cost of pre arrival medical checks
- Airfares / travel to Australia

Post arrival responsibilities include

- Reception on arrival
- Accommodation either within an existing family household or in a private rental property
- If private rental, provide furniture and other household goods (such as the HSS BHG package)
- Financial support / living expenses for first 6 / 12 months
- Mobile phone (essential for job seeking and emergencies)
• Settlement orientation and information such as learning to use public transport, setting up a
  bank account and using banking services
• Enrolling in AMEP
• Links to mainstream agencies: enrolling children in kindergarten or school, linking to local
  health services

Responsibilities and obligations would be spelt out in a formal sponsorship undertaking between
Sponsors and DIAC. This would also include standards for accommodation and level of living
expenses required.

An important responsibility for private sponsors would be recognising complex and unforeseen
circumstances and seeking expert assistance or making appropriate referrals (eg T&T, mental health
services).

**Eligibility for government services**

Privately sponsored refugees should be eligible for

• Medicare (no Health Care Card)
• AMEP (communities identified English language as being the “key to independence”)
• JSA (all streams)
• Schools and TAFE training
• Public transport concession

Privately sponsored refugees would not be eligible for

• Humanitarian Settlement Services (HSS)
• Centrelink benefits on arrival. AMES suggest a transitional arrangement whereby refugee
  would be supported fully by sponsor for first 6 months, then if not working, become eligible
  for a reduced / limited Centrelink benefit for 18 months, then after 2 years refugee would be
  eligible for full Centrelink benefits as for other visa categories.

**4 Safety Net Considerations**

AMES recommends rigorous selection and due diligence processes for all private sponsors. This must
include specific measures to guard against exploitation of refugees arriving in Australia under a
private sponsorship arrangement. If employers are to be considered as potential sponsors the
vetting and selection processes must act as a disincentive to those who may seek to exploit new
arrivals in any way. This may include the requirement for formal guarantors as part of the
sponsorship application process.

Referral to Complex Case Services (CCS) should be an option for cases where serious issues and
unforseen issues arise and for which the sponsor is not equipped to provide or manage. This may
include serious mental health issues, and include access to appropriate torture and trauma
counselling services.
Settlement takes place over time and varies for individuals. Therefore access to SGP funded services should be considered as an option for privately sponsored refugees who need additional support after the period of formal sponsorship ends.

A measure the Government could implement to assist and support effective private sponsorship arrangements is to have an organisation such as a Settlement Grants Program (SGP) funded organisation in each designated region (e.g. HSS region) with a specifically funded role to support organisations and refugees if sponsoring arrangements fail. This organisation would provide information, advice and referrals for example.

In addition to rigorous selection and vetting processes, part of a strong safety net will be a robust monitoring and evaluation process. It is important to acknowledge that whilst, in the vast majority of cases, individuals, organisations and employers will operate ethically, there is potential for any one of these groups to exploit newly arrived refugees whom they have sponsored. Monitoring and evaluation processes can collect and analyse data on sponsors. Data may include payslips, bank accounts, Centrelink numbers, ATO numbers and so on – a whole of government approach. This is especially important if sponsors arrange employment for refugees within family or community businesses. The monitoring and evaluation framework can provide an evidence base inform policy development and continuous improvement in private sponsorship arrangements. Reference to International Labour Organisation research which analyses policies that help improve employment and social outcomes may be a useful tool in development of the monitoring and evaluation framework.