

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 26 May 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(12) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Ludwig (L&C 23-24) asked:

In relation to the TPV holders who have failed to obtain a further protection visa and who are not subject to character checking, how many have applied to the RRT for a review?

Answer:

The Refugee Review Tribunal has advised that as at 9 June 2004 there are 704 cases of protection visa applicants seeking a review of the decision to refuse the grant of a further protection visa.

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BUDGET ESTIMATES HEARING: 26 May 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(13) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Ludwig (L&C 24) asked:

In relation to the finalised review decisions, provide a breakdown by country of origin.

Answer:

The Refugee Review Tribunal has advised that as at 9 June 2004, 294 further protection visa cases have been finalised comprising 288 Afghans, 2 Iranians, 1 Pakistani, 1 Syrian, 1 Sri Lankan and 1 Turk.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 26 May 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(14) Output 1.2: Onshore Protection

Senator Ludwig (L&C 25-26) asked:

How many TPV holders have been granted the right of re-entry in the last 12 months?

Answer:

The TPV does not confer an automatic right to re-enter Australia. In most cases where a TPV holder departs Australia, the TPV will cease.

DIMIA systems do not record the information on the avenues for obtaining authority to re-enter Australia in a reportable form. However, DIMIA is aware of 2 instances where a TPV holder has departed Australia and, in the 12 months to 24 June 2004, has been granted the right of re-entry.

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BUDGET ESTIMATES HEARING: 26 May 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(15) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Ludwig (L&C 28) asked:

How many Iraqi cases have been assessed and what were the results?

Answer:

DIMIA records as at 4 June 2004 indicate that 202 further protection visa applications from Iraqis have been finalised by the Department. These finalisations comprised 3 permanent protection visa grants, 184 refusals and 15 withdrawals.

Records show that all 184 applicants refused a further protection visa had departed voluntarily after the grant of their temporary protection visa. Their further applications for protection visas were refused on the basis of their departure.

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 26 May 2004

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(16) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator Bartlett (L&C 29) asked:

Provide a copy of the guidance in the Procedural Advice Manual for the refugee program.

Answer:

Procedural Advice Manual 3: Generic Guidelines D, which relates to the Humanitarian Program, is attached.

PAM3: GenGuideD
Humanitarian visas (Offshore & onshore)
The offshore humanitarian program

This document is 1 of 2 GenGuideD documents.
The other is [GenGuideD - Temporary humanitarian stay](#).

ABOUT THIS DOCUMENT

Summary

This document comprises the following Parts:

- [General matters](#) [page 2]
- [Planning & prioritising](#) [page 2]
- [Secondary movement](#) [page 2]
- [Assessing applications and interviewing](#) [page 2]
- [Matters relating to post-arrival services](#) [page 2]
- [Unaccompanied humanitarian minors](#) [page 2].

List of contents

At the beginning of each Part is a list of contents for that Part.

[Contents summary](#) [overleaf] gives fuller details for the entire document.

Recent changes

[Recent legislative or policy changes](#) [overleaf] summarises recent changes to this document.

RECENT LEGISLATIVE OR POLICY CHANGES

Legislative

This document (formerly GenGuideB2) has been revised to take into account the 27 September 2001 restructure of the offshore humanitarian visa stream and the relocation of the visa class into Regulations Schedule 1 Part 4. See section 8 Class XB and secondary movement.

Policy/procedure

Guidelines on the IHSS has been inserted.

Other

The document has been reformatted to assist on-line use.

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GENERAL MATTERS

ABOUT THIS PART

Summary

This Part comprises:

- [section 1 About this document](#)
- [section 2 Relevant visas and associated matters](#)
- [section 3 The offshore refugee and humanitarian program.](#)

1 ABOUT THIS DOCUMENT

1.1 Purpose

This document provides guidelines on aspects of application processing common to the offshore humanitarian program. The document therefore applies only to the Refugee and Humanitarian (Class XB) visa class and the subclasses within that class.

It also provides guidelines on aspects relating to the offshore humanitarian program entrants after their arrival in Australia.

2 RELEVANT VISAS AND ASSOCIATED MATTERS

2.1 Relevant visa classes

Class XB only

Regulations Schedule 1 Part 4 item 1402

Although this document applies only to the Class XB visa, be aware that Schedule 1 Part 4 comprises two visa classes:

- the (onshore) Protection (Class XA)
- the (offshore) Refugee and Humanitarian (Class XB).

Offshore only

Schedule 1 items 1402(a) & (b)

In all cases:

- the applicant must be outside Australia; and
- the application must be made outside Australia.

2.2 Relevant visa subclasses

200	Refugee
201	In-country Special Humanitarian
202	Global Special Humanitarian
203	Emergency Rescue
204	Woman at Risk
447	Secondary Movement Offshore Entry (Temporary)
451	Secondary Movement Relocation (Temporary)

2.3 Relevant DIMIA forms

- Form 964i *Entry to Australia. Offshore Humanitarian Program*
- Information form - explains who may be granted an offshore humanitarian visa.
- Form 842 *Application for offshore Humanitarian Visa.*
- Must be completed for Class XB applicants.
- Form 681 *Refugee and Special Humanitarian Proposal*
- Must be complete for 202 visa applicants
 - May also be completed for 200, 201 and 204 visa applicants
- Form 599 *Interview report for refugee/SHP entry*
- See [section 15 Interviewing](#).

2.4 Matters not covered by this document

- This document does not cover aspects of visa processing:
- unique to a particular visa subclass (found instead in the relevant PAM3:Sch2Visa document); or
 - covered by [PAM3: GenGuideA](#) or [PAM3: GenGuideB](#).

3 THE OFFSHORE REFUGEE AND HUMANITARIAN PROGRAM

3.1 Purpose

This component of the immigration program enables persons to be considered for entry to Australia on refugee or humanitarian grounds as part of Australia's humanitarian commitment.

3.2 Policy & legislative background

Schedule 1 Part 4 item 1402

The Class XB visa (and its various subclasses) is designed to ensure that Australia supports international efforts to assist refugees and those in humanitarian need whilst also sending a clear and unambiguous message to people traffickers and those seeking a migration outcome that Australia does not tolerate people abandoning effective protection opportunities in countries en route to Australia.

The Class XB visa regime provides for a "hierarchy of rights" depending upon where the applicant applies.

3.3 Program categories

The offshore humanitarian program comprises three categories: Refugee, Special Humanitarian and Secondary Movement.

Refugee

The Refugee category provides resettlement opportunities for persons who are subject to persecution in their country of usual residence. The Department works closely with the UNHCR in selecting for this category people for whom resettlement in Australia is the most suitable durable solution. The Refugee (200), In-Country Special Humanitarian (201), Emergency Rescue (203) and Woman at Risk (204) programs are included in this category.

Special humanitarian

The Special Humanitarian (202) category is for persons outside their country of nationality or usual residence who have experienced, or fear, substantial discrimination amounting to a gross violation of their human rights. Applicants should be able to demonstrate some link with Australia.

Secondary movement

The two Secondary Movement subclasses (ie the two temporary visas 447 and 451 described immediately below), although a separate program category, simply incorporate visa-specific criteria from both the other categories.

3.4 The secondary movement visas

Legislative and policy background

Schedule 2 Parts 447 and 451

Visas 447 and 451 - the two temporary subclasses in the offshore humanitarian stream - were inserted into the Regulations 27 September 2001.

Briefly, these subclasses arose as part of a package of changes to strengthen Australia's territorial integrity and to reduce incentives for people to make hazardous voyages to Australian territories.

Part of this package designated certain parts of Australia (mainly certain external territories) to be *excised offshore places*, preventing *offshore entry persons* in Australia (unlawful non-citizens who enter Australia via such a place) from validly applying for *any* class of visa (unless the Minister intervenes).

Subclass 451

Briefly, subclass 451 is intended for persons who:

- are *not offshore entry persons*; and
- apply outside their home country for a Class XB visa in other than a country of first asylum.

[Note: This is the relevant subclass for "secondary movers" who apply to overseas posts]

Subclass 447

Subclass 447 applies to those offshore entry persons who, since entering Australia via an excised offshore area, have left (or been removed from) Australia but who have been permitted by the Minister to apply for a Class XB visa, for which application can be made only outside Australia.

Guidelines

For guidelines, see [section 8 Class XB and secondary movement](#).

PLANNING & PRIORITISING

ABOUT THIS PART

Summary

This Part comprises:

- [section 4 Regional planning](#)
- [section 5 Out of region cases](#)
- [section 6 Out of region cases - Eligibility](#)
- [section 7 Prioritising caseload.](#)

4 REGIONAL PLANNING

4.1 Overview

The offshore component of the humanitarian program focuses on those in greatest need of the protection that resettlement offers.

It provides resettlement in Australia as a durable solution for refugees and others in humanitarian need overseas who do not have any other solution available to them.

Each financial (program) year, DIMIA CO allocates a number of places to particular posts, reflecting the regional focus identified by Government. The regional focus of the offshore humanitarian program is determined in consultation with the UNHCR.

DIMIA CO may allocate places to posts for more than one region. Posts that have been allocated a number of places for a specific region are commonly known as designated program posts.

Within a regional allocation, DIMIA CO may specify that a certain number of places are for use for particular visa subclasses.

4.2 The Middle East & South West Asia

Beirut & New Delhi
Regions

The Middle East and South West Asia allocation is for persons whose home country is Afghanistan, Iran or Iraq but who are outside their home country. The region also has small allocations for special caseloads from Pakistan, Lebanon and India.

The designated program posts are Amman, Ankara, Athens, Beirut, Islamabad, New Delhi and Tehran.

4.3 Europe

Vienna Region

The Europe allocation is for nationals of the former Yugoslavia.

The designated posts are Athens, Belgrade and Vienna. The caseload will be closed at the end of 2002-03.

4.4 Africa

Pretoria & Vienna
Regions

The Africa allocation is for persons whose home country is in Africa, primarily Ethiopia, Sudan and Sierra Leone. There are also small allocations for Burundi, Democratic Republic of the Congo, Liberia, Rwanda, Somalia and Uganda.

The designated program posts are Athens, Cairo, Nairobi and Pretoria.

4.5 Asia

Jakarta, Bangkok &
New Delhi Regions

Most of the caseload is out of region. There is a small allocation for persons whose home country is in Asia, including Cambodia, Myanmar, PRC, Sri Lanka and Vietnam.

The designated posts are Bangkok, Colombo, Jakarta and Manila.

4.6 Out of region

Out of region cases are discussed separately in [section 5 Out of region cases](#).

5 OUT OF REGION CASES

5.1 Out of region - Overview

Out of region cases are applications:

- that are lodged at post with an allocation of humanitarian program places for a region or regions that does not include that of the applicant; or
- lodged at a post that does not have an allocation of humanitarian program places.

The handling post (ie post where the application is lodged) is to make the final decision on out of region cases.

5.2 Place allocation

Before processing an out of region case, if the post considers the application is one with strong humanitarian claims - see [section 6 Out of region cases - Eligibility](#) - the post first need to contact Humanitarian Entry Section to ensure a place is available. Program processing posts ie those with an allocation of program places are not to use these places for out of region cases, they need to be allocated additional place/s

5.3 Split family cases

Out of region cases may comprise applications made under the “split family provisions” of the humanitarian program. Subject to requirements being met - see [section 14 Other considerations](#) - cases are likely to be approved and places required.

5.4 Monitoring

Posts should monitor and report on (in their Topical Issue Reports) the number of out of region cases.

6 OUT OF REGION CASES - ELIGIBILITY

6.1 Need for resettlement

The key issue to be decided initially is whether there is a prima facie case for out-of-region applicants needing the protection afforded by resettlement in Australia. To assist with this assessment posts with an allocation for processing applications lodged by applicants from the same home country can provide assistance.

6.2 If in a country with an established refugee process

For the following reasons, applicants in a country with an established refugee determination process would generally not be eligible under the refugee component of the humanitarian program.

If in a signatory country

Applicants in a country that has an established refugee determination system and is a signatory to the Refugees Convention are expected to use that country's determination process because they have access to a legal mechanism for obtaining protection. However, the mere fact that an applicant is applying from a country with an established refugee determination system or is a Convention signatory is not conclusive or determinative of itself.

If that process determines that the applicant to be a refugee, the country of asylum should provide protection. Such an applicant therefore will not need protection from Australia, unless, for example, there has been a change in the applicant's circumstances such that the applicant is now at risk from their protector.

If the process determines the applicant not to be a refugee, that determination should be equally conclusive for DIMIA purposes – unless, for example, the relevant country has a markedly different view of its Convention obligations or there have been significant and relevant changes to the applicant's circumstances.

Special Humanitarian Program (SHP) cases

For the Special Humanitarian Program (SHP), the Schedule 2 criterion that the applicant is subject to substantial discrimination amounting to gross violation of human rights in the applicant's home country, is a high threshold test.

As most countries with refugee determination systems also have mechanisms that protect people against being sent back to face 'gross violation of human rights', it is unlikely that an applicant in these circumstances would need protection from Australia.

If the case has particular merit

If a post believes that an applicant should be considered favourably despite the existence of alternative determination mechanisms, the post must contact Humanitarian Entry Section, DIMIA CO in the first instance and provide the following information:

- basic details of the applicant;
- their claims;
- their current circumstances;
- their links to Australia;
- reasons for consideration under the humanitarian program; and
- if applicable, advice from the designated program post.

Posts should *not* ask applicants to undergo health and character clearances until Humanitarian Entry Section has confirmed places are available.

6.3 In countries without refugee determination processes

Prima facie case must still exist

In those asylum countries without an established refugee determination process, officers should still first consider whether there is a prima facie case that the applicant is in need of protection afforded by resettlement in Australia.

Factors

This can be decided by assessing the circumstances of the applicant in the country of asylum and the following factors should be considered:

- whether the applicant has been mandated as a refugee by UNHCR;
- whether the applicant been referred to Australia for resettlement consideration by UNHCR;

- whether the applicant has some form of “alternative” or informal protection from persecution or refoulement;
- the host country’s general approach to the national/ethnic group to which the applicant belongs;
- the host country’s general approach to the individual who has applied for resettlement in Australia;
- whether the applicant’s country of asylum is likely to offer resettlement or long-term temporary residence to the applicant.

If, after considering these factors, officers believe that there is a prima facie case for resettlement, the other Schedule 2 criteria for the grant of a Class XB visa need to be considered.

6.4 If a designated program region

In relation to applications for which there is a designated program region - see [section 5.1 Out of region - Overview](#) - the handling post must seek advice from the post that would normally process the application in order to ensure consistency of decision making, especially in relation to assessing the claims. If necessary, the handling post may seek advice or clarification from Humanitarian Entry Section or Country Information Services, DIMIA CO.

6.5 Assessing possible effective protection

The “7 Day Rule/Secondary Movement” criteria

The policy intention underlying these criteria [200.212(1) and equivalent] is that a person who could have sought and obtained protection in a third country, but chose instead to seek Australia’s protection, should not benefit from grant of a permanent visa. It reflects the fact that resettlement is the least preferred durable solution. The regulatory settings giving effect to this policy represent a key element of the Commonwealth’s commitment to burden sharing and durable solutions to address international humanitarian people movements.

The range of considerations involved in assessing whether someone has effective protection in a third country and whether the 7-day rule should be waived can be very complex and involve matters of high policy. Accordingly, officers should seek further advice from Humanitarian Program Policy Section DIMIA CO, in any case giving rise to uncertainty or concern.

7 PRIORITISING CASELOAD

7.1 Overview

Cases in urgent need of resettlement in Australia are to be given priority processing. Most of this caseload comprises UNHCR referrals - subclasses 200 (Refugee), 201 (In-Country Special Humanitarian), 203 (Emergency Rescue) and 204 (Woman At Risk).

Of these, absolute priority is to be given to Emergency Rescue (203) cases. For the remaining caseload, subclass 202 (Special Humanitarian) under s.51 of the Act, priority categories exist for these applications to assist officers in establishing ‘the extent of the applicant’s connection with Australia’.

7.2 Assessment documentation

Policy requires the assessment to be based on:

- documentation establishing the family relationship between the applicant and a person in Australia. Evidence should be provided of the person’s Australian citizenship or Australian permanent residence;

- whether a form 681 *Refugee and special humanitarian proposal* has been completed by a person in Australia. This form must be included with the application for an applicant to be eligible for the grant of a subclass 202 Special Humanitarian Program visa and to be eligible for the grant of a visa under the 'immediate family' provisions and
- evidence of the connection, for example
 - if relatives - birth/marriage certificates etc.; or
 - if former business associates - evidence of the associate and applicant's employment history and how they became known to each other; or
 - if former lecturer/student - evidence from the institution of the student's enrolment in the lecturer's course.

7.3 Priority one

The applicant has family ties with Australia as a result of the presence in Australia of the applicant's:

- spouse, child, adopted child, parent, brother or sister (or a step-relative within the same degree of relationship); or
- prospective spouse; or
- grandparent, grandchild, aunt, uncle, niece or nephew (or a step-relative within the same degree of relationship); or
- first cousin.

7.4 Priority two

The applicant has other ties with Australia, including but not necessarily limited to:

- the presence in Australia of a relative other than within the relationships set out in Priority One; or
- the presence of a friend in Australia; or
- former residence in Australia for professional or educational purposes; or
- former employment with an Australian mission or business overseas.

7.5 Priority three

The applicant has no ties with Australia but has been assessed as having the potential to settle in Australia on the basis of:

- written support from an ethnic, religious or voluntary group in Australia capable of providing settlement support to the applicant; or
- possession of skills or other employment attributes eg English language ability that would facilitate settlement in Australia.

However, when examining family ties, skills and other employment attributes to prioritise caseload, officers must not lose sight of the overriding purpose of the humanitarian program - see [section 12.4 Best durable solution](#).

SECONDARY MOVEMENT

8 CLASS XB AND SECONDARY MOVEMENT

8.1 Policy background

What is secondary movement

“Secondary movement” describes the situation where a person has left their home country, travelled to a country of first asylum and has since left it for a second or third country. For the purposes of the regulations, a secondary mover is a person who:

- has entered a country of first asylum or a second country;
- was in that country (or, subsequently, another country) continuously for at least 7 days; and
- could have sought and obtained effective protection there.

8.2 Implications for visa eligibility

In broad terms, a permanent visa within the Class XB is not available to persons who, since leaving their home country and a country of first asylum, have resided continuously for at least 7 days in a country in which they could have sought and obtained effective protection of that country or the UNHCR.

8.3 Policy background

As noted in [section 6.5 Assessing possible effective protection](#), the policy intention underlying these criteria is that a person who could have sought and obtained protection in a third country, but chose instead to seek Australia’s protection, should not benefit from grant of a permanent visa. Officers should seek further advice from Humanitarian Program Policy Section, DIMIA CO, in any case giving rise to uncertainty or concern.

8.4 Subclasses 451 & 447

Although subclasses 447 and 451 cater for offshore applicants, in the sense that the applicants have not yet lawfully entered Australia, they also form an integral part of the wider regime to strengthen Australia’s territorial integrity and to reduce incentives for people to engage in hazardous voyages to Australian territories.

The Secondary Movement Relocation (Temporary) subclass 451 visa is for persons who have engaged in secondary movement/s, but have not yet entered, Australia. If granted, a visa 451 has effect for 5 years. Visa 451 holders may apply onshore for a permanent protection (866) visa 54 months after grant.

The Secondary Movement Offshore Entry (Temporary) subclass 447 is for persons who enter Australia unlawfully at an *excised offshore place*. If granted, the visa has effect for 3 years. The holder can only then apply onshore for successive temporary protection (785) visas.

In each case, applicants must satisfy criteria similar to a Refugee, Special Humanitarian or Woman At Risk visa, other than the requirement to have a connection with Australia.

ASSESSING APPLICATIONS AND INTERVIEWING

ABOUT THIS PART

Summary

This Part comprises:

- [section 9 Class XB and the refugees convention](#)
- [section 10 Assessment requirements](#)
- [section 11 Effective protection elsewhere](#)
- [section 12 Persecution](#)
- [section 13 Substantial discrimination \(SHP criteria\)](#)
- [section 14 Other considerations](#)
- [section 15 Interviewing](#)
- [section 16 Pre-embarkation information](#)
- [section 17 The Central Referral Unit](#)
- [section 18 Travel arrangements: Paid passage and concessional fares.](#)

9 CLASS XB AND THE REFUGEES CONVENTION

9.1 Convention reasons apply as policy only

Although “Convention reasons” have *not* been incorporated into law for offshore humanitarian visas, they can be used as a guide when assessing claims of persecution and the like - see [section 12 Persecution](#).

10 ASSESSMENT REQUIREMENTS

10.1 Program-specific criteria

The program-specific Schedule 2 primary criteria that apply, as indicated, to the various refugee and special humanitarian program (SHP) visa subclasses are discussed in:

- [section 11 Effective protection elsewhere](#)
- [section 12 Persecution](#)
- [section 13 Substantial discrimination \(SHP criteria\)](#)
- [section 14 Other considerations.](#)

10.2 Documentation

There is no legal requirement for humanitarian visa applicants to be interviewed before a decision is made.

A preliminary assessment of all material on file allows officers to identify those cases needing further investigation at interview and those for which a decision can be made based on the information submitted in the application.

Interviews give officers the opportunity to check family composition and the dependency of persons included in the application and to verify claims in those cases where there are doubts about the authenticity of documentation submitted in support of an application.

DIMIA’s refugee law guidelines (ie the PAM3:Ref Law documents) do not apply to the XB visa class.

10.3 Relevance of the applicant's age

The assessment and interviewing guidelines that follow apply regardless of age. For unaccompanied minors (children under 18 years old), see also [Unaccompanied humanitarian minors](#) [page 2] for details relating to procedures relevant to unaccompanied humanitarian minors.

11 EFFECTIVE PROTECTION ELSEWHERE

11.1 Overview

200.212(1) (and equivalent)

The criterion that an applicant should not have resided for more than 7 days continuously where effective protection was available is likely to apply to a substantial number of applicants (other than subclass 201 cases).

This requirement can be waived. Under policy, officers:

- may, without further inquiry, waive the requirement if the applicant is applying from their country of first asylum.
- should *not*, without further inquiry, waive the requirement if the applicant has made a substantial secondary movement from the country of first asylum.

Out of region cases are likely to fall into the latter category. These cases applicants should be considered against subclass 451. Officers should seek further advice from Humanitarian Program Policy Section, DIMIA CO, in any case giving rise to uncertainty or concern.

12 PERSECUTION

12.1 Policy requirements

'Persecution' is an assessment factor in the Refugee category only.

A visa with a criterion requiring the applicant to be 'subject to persecution', in their home country requires officers (under policy) to base their assessment on whether the applicant is:

- subject to persecution, or has a well-founded fear of persecution, based on grounds of race, religion, nationality, membership of a particular social group or political opinion ("Convention reasons" - but note [section 9.1 Convention reasons apply as policy only](#));
- outside their country of nationality;
- unable to claim protection of their country of nationality due to fear of persecution; and
- unwilling to return to their country of nationality due to fear of persecution.

12.2 Factors

Factors assessing officers should take into account may include (but need not be limited to):

- threat to the applicant's life, liberty and/or security;
- continued or periodic harassment, detention or arrest because of known or imputed political profile, race, religion, nationality or membership of a particular social group;
- exile from the home country or to a remote area within that country for a Convention reason;
- arbitrary arrest, detention or exile (except during emergencies where such measures may be considered necessary to safeguard the safety and rights of others and to maintain order);

- torture and/or cruel, inhuman or degrading treatment;
- slavery or servitude without compensation;
- confiscation of property or assets for a Convention reason;
- indoctrination or re-education courses whereby members of a particular race, religion, nationality, social or political group are subjected to pressure to change their views and/or ideology. An example of this is members of a formerly “privileged” social class being required to work at manual labour to change their ideological beliefs.

If none of the factors outlined above exists, officers should go on to establish whether the applicant can be assessed as subject to substantial discrimination (as distinct from persecution).

12.3 Existing protection

In assessing an applicant against the ‘persecution’ criterion, officers are also to take into account whether the applicant has been granted:

- mandate status by the UNHCR under its Statute; or
- effective protection by a State (or an agency acting under the State’s authority). Effective protection means the State will not return the applicant to the country in which they fear persecution, whether or not the State is a signatory to the Refugee Convention.

12.4 Best durable solution

The main aim of the humanitarian program’s refugee component is to help resettle persons referred by the UNHCR. Officers must, however, be satisfied that resettlement is the best durable solution for the applicant.

12.5 Torture or trauma cases

If an applicant who was subjected to torture and trauma has been assessed by the UNHCR as meeting its refugee criteria, a further interview may be unnecessary. However, an assessment of issues such as special post-arrival needs (due to torture or trauma) should be made.

13 SUBSTANTIAL DISCRIMINATION (SHP CRITERIA)

13.1 Policy requirements

If a visa has a criterion requiring the applicant to be ‘subject to substantial discrimination’ in their own country, under policy, officers must be satisfied the applicant is subject to substantial discrimination on the grounds of race, religion, nationality, membership of a particular social group or political opinion.

These are the usual grounds on which discrimination must be based unless otherwise provided for in visa-specific criteria.

It is *not* sufficient in order to satisfy this criterion that an applicant be of concern to UNHCR or be of similar concern to a comparable international organisation or national authority.

13.2 Factors

Assessing officers should explore the existence of factors, which may include (but need not be limited to):

- arbitrary interference with the applicant’s privacy, family, home or correspondence;
- deprivation of all means of earning a livelihood, denial of work commensurate with training and qualifications and/or payment of unreasonably low wages;
- relegation to substandard dwellings;
- exclusion from the right to education;
- enforced social and civil inactivity;

- removal of citizenship rights;
- denial of a passport;
- constant surveillance or pressure to become an informer.

14 OTHER CONSIDERATIONS

14.1 General circumstances

If a visa has either (or both) ‘persecution’ and ‘substantial discrimination’ as prescribed criteria, officers should also take into account:

- the applicant’s personal profile: A person with a higher profile may be subjected to a greater degree of persecution or discrimination than others in a similar situation;
- the political or other associations of the applicant’s family and whether the applicant has been subject to substantial discrimination or has a well-founded fear of persecution based on their family’s associations;
- certain acts or opinions that have been attributed to the applicant by the authorities;
- verifiable persecution or substantial discrimination of family, friends or members of the applicant’s racial, religious, national, social or political group.

Officers should distinguish between actions against the applicant that have been carried out for racial, religious, national, social or political reasons and those that have been carried out for other reasons.

For example, an applicant would not generally be considered subject to either persecution or discrimination if:

- they were detained in their home country for criminal activity; (unless they attracted a heavier penalty than normal eg for racial reasons); or
- they are avoiding/have avoided military service based on broad conscription as distinct from conscription of a particular racial, religious, national, social or political group; or
- they have suffered economic hardship that disadvantages the population in general, rather than being the victim of personally directed economic persecution/discrimination; or
- they have left their home country illegally but such action would not incur harsh and oppressive punishment on return.

14.2 Immediate family

Immediate family member is defined [regulation 1.12AA] as spouse or dependent child or the parents of a child under 18. To be eligible for the grant of a visa equivalent to that granted to the proposer [or if the proposer was granted a Permanent Protection visa (subclass 866) or a SAC visa, a subclass 202], the following requirements must be met:

- A completed form 681 *Refugee and special humanitarian proposal* was included with the application.
- The visa application is made within 5 years of the grant of the visa to the proposer.

- The applicant is still a member of the proposer’s immediate family. Officers need to be satisfied the claimed relationship is genuine and ongoing. This is particularly important in assessing whether a child meets dependency requirements. If the applicant or dependent child included in an application is of marriageable age every effort should be made to confirm the marital status. It may be necessary to interview the dependent separately before a decision is made. During interview, the person should be counselled about the consequences of not disclosing a relationship including the likelihood their partner will have to wait several years before being eligible to come to Australia.
- If the proposer holds an 866 visa, that the relationship existed at the time the proposer lodged their Protection visa application.
- If the proposer holds an offshore humanitarian visa that the relationship was declared to DIMIA before the visa was granted.

14.3 War crimes

Relevant cases

Applications for which information on file suggests the applicant (or a person included in the application) may have been involved in war crimes or crimes against humanity are to be scrutinised carefully. (This is in addition to other character requirements as prescribed by Regulations Schedule 4 public interest criteria.)

Such persons may have served in the military or held a prominent position in a government or regime where it is known atrocities were perpetrated. Alternatively, credible information about the applicant’s involvement in war crimes/crimes against humanity may have been received from a third party.

Interview & referral

If the assessing officer considers such an applicant is likely to satisfy humanitarian visa criteria, the applicant must be interviewed.

If, following interview, the assessing officer is satisfied the person might be eligible to be granted a visa (subject to resolution of the character issue) the case is to be referred to Character & Entry Security Section, DIMIA CO.

This is to ensure public interest criteria are satisfied and the applicant passes the character test before a decision is made.

Other humanitarian resettlement countries may be able to provide material to help assess a person’s possible involvement in war crimes/crimes against humanity and should be contacted before forwarding the case to Character Section.

If warranted, Character & Entry Security Section will forward the case to the War Crimes Tribunal.

14.4 Compelling reasons for giving special consideration to granting the visa

The ‘compelling reasons’ criterion has visa-specific policy interpretation. For guidelines see the relevant PAM3:Sch2Visa document.

14.5 Registration with UNHCR or national authority

If possible, applicants should, under policy, provide evidence of registration with the UNHCR (or equivalent authority) in the country of first refuge, or (as in Austria) with the host national authority. This is to ensure:

- the person is afforded necessary protection and care; and
- coordinated approaches to various resettlement countries occur, by emphasising the need for international burden sharing in regard to resettlement; and

- all persons receive counselling about the various possibilities for their future, including return to their home countries if possible, local integration or resettlement in other countries.

Note: Only the subclass 204 Woman at Risk visa has registration as a prescribed criterion - see [PAM3: Sch2Visa204](#).

14.6 Sponsorship/ nomination/other support

Inclusion of a completed form 681 *Refugee and Special Humanitarian Proposal* is a prescribed criterion for all 202 Global special humanitarian applicants and for “immediate family” members proposed for entry by a humanitarian visa holder under Schedule 2 offshore humanitarian provisions.

Applicants in other categories may be proposed for entry to Australia by the holder of a humanitarian visa but it is not legally necessary. However, if a form 681 is lodged even though not legally required, it will assist in establishing the degree of the applicant’s connection with Australia - see [section 7 Prioritising caseload](#).

14.7 Capacity of proposer to provide support

Overview

For visa 202 applications posts should assess the proposer’s capacity to provide initial information, orientation assistance and temporary accommodation to the entrants on arrival on the basis of the information provided in form 681 *Refugee and Special Humanitarian Proposal*.

The capacity of the proposer to provide support is not a criterion for visa grant, but should be assessed to determine the IHSS services required by the entrants.

In the normal decision process, there should be no need to seek assessment assistance from STOs. Posts should consult STOs for assessment assistance in the following instances.

Pre-1 July 2001 form 681 cases

Cases where the pre-1 July 2001 version form 681 was used (where inadequate information is available for post to assess the proposer’s capacity) should seek assessment assistance from the STO. (The STO will respond within 1 week.)

Pipeline CRSS cases

Posts should refer to the STO all 202-cases where the applicant was proposed by a Community Refugee Settlement Scheme (CRSS) group. This is because the CRSS has ceased and the proposing group may no longer exist (the CRSS group might have provided their offer on the now obsolete form 669 *Offer of Support Community Refugee Settlement Scheme*).

After consultation with the STO, posts may wish to consider whether the applicant satisfies the refugee criteria to be processed as a 200 case.

Further information is required

Posts should seek assessment assistance from STOs if more information about the proposer or local conditions is required to enable an assessment of the provider’s capacity to provide support.

14.8 Non-genuine proposers

The genuineness of proposers may be considered when assessing:

- ‘the extent of the applicant’s connection with Australia’ - see [PAM3: Sch2Visa202](#)
- ‘the capacity of the Australian community to provide for the permanent settlement of persons such as the applicant in Australia’ - see [PAM3: Sch2Visa202](#).

Examples of proposers who may be non-genuine are:

- serial proposers who have an ongoing history of failing to meet their undertakings to support proposed entrants;
- proposers who charge for their services.

A proposer unable to provide full support to entrants should not automatically be regarded as non-genuine.

14.9 Absent proposers

To ensure that entrants and proposers are provided with support it is essential that the proposer can be contacted. Posts should ensure that proposers' details are fully entered from form 681 *Refugee and Special Humanitarian Proposal* into IRIS, and are updated as necessary. If STOs are informed that a proposer has changed address, they should inform the processing post to enable update of details.

14.10 False or misleading information

The s501 *character test* applies to all visa applicants. False or misleading information is a relevant factor in assessing whether the applicant passes the character test - see:

- the s499 direction; and
- MSI: The character requirement: Visa refusal and cancellation under section 501.

14.11 Assessing IHSS services required

For visa 202, posts should use the assessment of the proposer's capacity to provide support to recommend the level of IHSS assistance that the entrants should receive. Given that visa 202 applicants are being proposed by Australian residents who undertake to assist them on arrival, 202 entrants do not, as a rule, have *full* access to the IHSS services. See section 19 The Integrated Humanitarian Settlement Strategy (IHSS)

If the proposer can provide support

If a visa 202 proposer is capable of providing support to the entrant:

- the proposer in Australia is eligible for the IHSS service; Proposer Support (PS) assistance is offered to assist in the provision of support to the newly-arrived entrant.
- entrants are eligible to receive Early Health Assessment and Intervention Household Formation Support.

If the proposer cannot provide support

If it is not appropriate to process the applicant as a 200 case, it is possible that full IHSS assistance may be made available to the entrant following a needs assessment by the relevant DIMIA STO. When referring these cases to IHSS - see section 17 The Central Referral Unit - posts should inform the CRU that the entrants may require full access to IHSS services.

15 INTERVIEWING

15.1 Overview

The interview is intended to provide additional information or clarification to help officers assess whether the applicant satisfies regulatory criteria, particularly in relation to persecution, discrimination and settlement.

If an applicant is suspected of being involved in war crimes or crimes against humanity, the interview gives officers an opportunity to present adverse information for comment.

Generally the interview provides the officer with the opportunity to examine: the applicant's links with Australia; and

- if the applicant has a well-founded fear of persecution or is subject to substantial discrimination and, if so, the degree of persecution or discrimination - see
 - [section 12 Persecution](#)
 - [section 13 Substantial discrimination \(SHP criteria\)](#).

15.2 The form 599 interview report

It is recommended officers use the interview report form 599 as the basis of the record of the interview, other options being IRIS case notes or legible and comprehensive handwritten file notes.

Interviews need not be restricted to the format of the form 599, however. All matters identified as needing further clarification should be covered.

The form 599 comprises 4 pages:

- Page 1 is a summary and checklist to be completed at the end of the interview. Officers need complete Questions D, E, and F only if the case requires further processing.
- Pages 2-4 provide a structured guide for the officer conducting the interview.

Questions 1 to 5 are for recording interpreter details, informing the applicant of the reasons for the interview, checking family composition and verifying the identity of the person/s being interviewed.

Questions 6 to 8 deal specifically with the assessment of claims.

Questions 9 to 12 have to be covered only if the officer considers there is a need to make an assessment of settlement needs and provide counselling as per the checklist.

15.3 Officer sensitivity

It is important that interviewing officers be aware of and sensitive to:

- ethnic, cultural, religious or gender issues that could limit an applicant's ability to respond freely to the interviewer either directly or via an interpreter; and
- the difficulties in assessing the settlement prospects of some applicants, especially if they are traumatised.

15.4 Identity and family composition

The interviewing officer should:

- be satisfied that the number and identities of the applicants attending the interview match the details on the application form and that the ages and relationships are correct. If the family has been separated, ensure all family unit members are identified and their relationship to the applicant verified; and
- check to ensure all family members included in the application meet the regulation 1.12A definition to be a **member of the family unit** and, it follows, the regulation 1.05A(2) definition to be **dependent**. - see [PAM3: Div1.2/reg1.05 - Regulation 1.05A\(2\) - Refugee/humanitarian visas](#).

15.5 Information to be treated in confidence

The applicant should be informed at interview that all information provided will be treated in the strictest confidence and any further information requested should be submitted as quickly as possible evidence and the credibility of the applicant's statement providing reasonable grounds to a well-founded fear of persecution or discrimination - see:

- [section 12 Persecution](#); and
- [section 13 Substantial discrimination \(SHP criteria\)](#).

15.6 If a Woman at Risk case

For those Woman at Risk (204) cases where the applicant claims their husband is “missing”, the interviewing officers should obtain as much information as possible about the circumstances that led to his disappearance. They should also ask if any attempt has been made to locate him using reputable organisations such as the International Red Cross. In cultures where male relatives assume responsibility for the care of unmarried women, the interviewing officer should enquire as to the whereabouts of other male relatives and why they are not able to provide protection.

15.7 UHM cases

See Unaccompanied humanitarian minors [page 2].

15.8 Settlement matters

Interviewing officers should ask questions that will elicit responses indicating whether resettlement in Australia is the appropriate course of action and whether there are likely to be future settlement difficulties. They should also take into account that the support of community groups is usually readily available and can serve to ameliorate many difficulties. In cases where prospective settlement difficulties are evident, an officer may still decide that resettlement in Australia is the ‘appropriate course for the applicant’ especially if the applicant has little chance of resettlement elsewhere. Officers should establish at interview the amount of capital applicants included in the application have for transfer to Australia – see also section 15.11 Counselling.

15.9 If outside country of first refuge

Officers should assess an applicant’s claims in the first country of refuge if possible. If a person has travelled through one or more other countries before either applying for a visa or seeking the protection of the UNHCR, they would need to provide cogent reasons for failing to seek asylum in the first country of refuge. This should be taken into account, as well as the strength of their links with Australia, in assessing the Schedule 2 criterion: ‘whether or not there is any suitable country available, other than Australia, which can provide for the applicant’s settlement and protection from persecution’. See also section 6.5 “7 Day rule and Secondary Movements”.

15.10 If claims are not specific

If the applicant’s claims are vague or generalised, officers should record on the interview report that the claims have been explored as far as possible with the applicant.

15.11 Counselling

Overview

The interview should also give officers an opportunity to counsel applicants on issues relating to settlement in Australia. Counselling ensures applicants are aware of potential problems and the availability of IHSS, IIOA and AS - see section 19 The Integrated Humanitarian Settlement Strategy.

Matters to be covered

Issues to be covered include the following.

- The Australian Government’s commitment to a socially cohesive and culturally diverse society and acceptance of its cultural and ethnic diversity.
- The extent of support that can be reasonably expected from proposers.
- The extent of support provided by on-arrival accommodation and other initial settlement services.
- Employment prospects and the likely difficulties of getting recognition for trade/professional qualifications, as well as the importance of English in obtaining employment.

- The housing situation in Australia.
- The problems likely to be associated with achieving family reunion in Australia. It must be stressed to all applicants for an offshore humanitarian visa, that the Australian government cannot undertake to effect family reunion in Australia between them and relatives still in their home country.
- The importance of learning English as soon as possible after arrival. AMEP gives priority to recent arrivals especially those needing English to get work and/or their qualifications recognised.
- Informing applicants who have (or appear to have) satisfied all other criteria on how medical and character checks are to be undertaken.
- Medical follow-up by State/Territory health authorities (if applicable).
- The existence and value of assets available for transfer are not considerations in making a decision on their application but are relevant to whether the applicant may have their travel to Australia paid for by the Australian government - see section 18 Travel arrangements: Paid passage and concessional fares.

16 PRE-EMBARKATION INFORMATION

16.1 Pre-embarkation information

Officers are to ensure that humanitarian entrants eligible for IHSS assistance are given the pre-embarkation information package in the relevant language before departure for Australia.

Officers should arrange to have IHSS assistance orally verbally explained to the person in a relevant language. (For more information on IHSS see section 19 The Integrated Humanitarian Settlement Strategy.)

Following is the interim (as at 1 July 2001) pre-embarkation information for refugee and humanitarian program entrants. It is intended that posts provide this information in printed form or via an interpreter.

PRE-EMBARKATION INFORMATION

Introduction

Re-settlement is a long and complex process unique for every person, and you will need further information about many issues. Do not hesitate to ask the people assigned to help you with your re-settlement for this information. They will help you as much as they can. Australia respects those with an inquiring, open attitude.

General information

Australia is a large country. There are many contrasts in geography, a wide range of climates from tropical to mild, and a great diversity among the people who call themselves Australians. The Australian Embassy can provide you with more specific information on the climate for the various regions of Australia.

The official language in Australia is English.

The journey to Australia

If you are granted a visa subclass 200, 201, 203 or 204 the Australian government will arrange and fund your travel to Australia using the services of the International Organisation for Migration (IOM). The Australian mission where your application was processed will ensure you are informed of your travel details and provide you with the necessary travel documents.

IOM has a long history of involvement in arranging various aspects of migrants' travel to their new country. Its services include medical check-ups, exit visa requirements, travel arrangements and advice to proposers and/or relatives in Australia.

Before travelling

There are certain items that you are not allowed to bring into Australia, regardless of transportation arrangements. These include weapons, foods, plants and animal products.

Certain items may be included in your luggage in limited amounts. These include alcohol, cigarettes/tobacco, coffee, works of art and money.

You must have proof that any medicine you bring with you is prescription medicine.

If you require dental work, consider arranging it before travelling to Australia. there is likely to be a lengthy waiting period for dental treatment in Australia.

If possible, you should arrange to bring with you originals of your personal documents such as birth, marriage and trade certificates, any medical records, diplomas/school records and driver's licence.

Arranging travel

If a proposer is sponsoring you under the Special Humanitarian Program visa subclass 202, you or your sponsor can use the IOM services. You or your proposer will need to contact the IOM office to find out the costs of these services and any additional service fees.

After your application has been approved, if you require additional information on IOM's concessional fares and baggage allowances, you can contact the IOM office in your current country of stay. The Australian mission where your application was processed can give you the address and telephone number of the nearest IOM office.

If there is no IOM office in the country where you applied, you or your proposer can contact the IOM office in Canberra, Australia:

International Organisation for Migration (IOM)

PO Box 1009

Civic Square

CANBERRA ACT 2608

AUSTRALIA

Email: mrfcanberra@iom.int

Phone: 61 (02) 6257 1171

Fax: 61 (02) 6257 3743

Your travel documents and air ticket will indicate the airport from which you will depart, the name of the airline you will travel on, and the date and time of your departure. If your travel was not arranged by the IOM, you should seek advice from your proposer on these matters.

Each ticket holder - that is all adults, and children 2 years and older - may take 2 suitcases and 1 piece of hand luggage. Each suitcase should weigh no more than 20 kilos. Hand luggage should weigh no more than 6 kilos, and should be no more than 110cm square.

If the baggage allowance is different from one sector or airline to another, this is not included as part of your pre-arranged travel costs. You may wish to pay an extra amount for excess baggage to ensure you have the same allowance for the whole journey. Also, you may prefer to pay for any excess baggage directly to the airline concerned when checking in for departure, but excess baggage charges can be expensive.

Travelling

When you are travelling, valuable items, such as cash and documents, should be kept with you at all times.

The flight to Australia will be long and tiring. During the flight you will be served regular meals and drinks. These will be free of charge. There may be a charge if you wish to purchase alcohol. If you have never flown before, ask friends or the IOM for advice and information.

Airlines serve vegetarian meals but these must be ordered in advance of the flight. If you prefer vegetarian meals, please ask the IOM or your proposer to organise this with the airline.

Stopovers

You may be on a flight that stops to refuel during the journey. Normally, all passengers will be asked to leave the aircraft and you will be taken to a transit area. You may be asked to take your cabin baggage with you. It is sensible, even if you are allowed to leave your cabin baggage on the aircraft, to take any valuables. If you need assistance, you should speak to the crew on the airplane before getting off the plane.

Please ensure that you have your boarding pass with you at all times.

When you are called to return to your flight you may be required to pass through a passport and luggage check. This is normal security procedure and nothing to worry about. You may be required to show your passport or other travel documents plus your boarding pass.

Arrival in Australia

You should have completed the immigration card provided to you during your flight. Where it asks your destination, write the city or town you are going to settle in.

After your arrival in Australia you will need to clear customs before travelling on to your destination within Australia. You will need to queue before presenting your papers at the passport clearance window. Your luggage will be available for collection from the carousel found just past the passport checking point. You may use a trolley to assist with the movement of your luggage to the quarantine clearance area.

You will be met on arrival in Australia once you have cleared the customs area. A person who speaks your language or has an interpreter with them will meet you. Others waiting to greet you may include your proposer, representatives of a community support group and/or a member of the ethnic community within the area. They could be holding a sign with your family name. They will be responsible for transporting you to your accommodation.

**Further travel within
Australia**

If you are to travel to another city or town in Australia, you may need to continue your journey by domestic travel - airplane, train or bus. Please ensure that you continue your journey to your final destination within Australia. If you are to travel by airplane, it is important that you catch the connecting domestic flights as someone will be waiting for you at that destination to meet you. If you are not met at the customs port, ask airport staff for assistance.

**Settlement assistance
in Australia**

As humanitarian entrants, you are entitled to many services that will help you overcome your initial re-settlement problems. These services provide a sound basis for establishing yourself as a productive and effective member of the Australian community. After your arrival in Australia the services you might need will be explained to you. Many of the people who will help you will speak your language. If they do not, an interpreter will be organised.

**Information for new
arrivals**

More information can be found in the Settlement Information Kit for your State or Territory. These booklets can be obtained from Australian Embassies, the Department of Immigration, Multicultural and Indigenous Affairs offices in Australia, Migrant Resource Centres or via the Internet at www.immi.gov.au/settle/booklets/index.htm

They are available in English and many other languages.

Australia is a multicultural society where people from all cultures are respected for their differences and for what they bring to the Australian community. There is freedom of speech and religion. Racism and discrimination are against the law. Indeed, the laws of Australia are based on respect for others and acceptance of diversity. It is illegal to discriminate against anyone on the basis of sex, race, religion, marital status, disability or sexuality. It is also against the law to physically or psychologically abuse anyone, including family members such as one's spouse (wife or husband), children or elderly relatives. Penalties are imposed, including prison terms, on those who break these and any other laws.

In Australia, bribery of officials is against the law.

Men and women are considered equals within Australia and in many circumstances it may be a woman that will be assisting you with advice. You should also be aware the friendly overtures from women are not sexual propositions.

Further information on Australia and its culture will be available to you as you become more settled and able to understand and appreciate the context in which they are set.

17 THE CENTRAL REFERRAL UNIT

17.1 Background

The services provided under the Integrated Humanitarian Settlement Strategy (IHSS) are delivered by contracted providers in all States and Territories. Allocation of cases to States and Territories is coordinated by the Central Referral Unit (CRU). DIMIA posts and the International Organisation for Migration (IOM) play essential roles in the successful provision of IHSS services to humanitarian entrants by ensuring the effective referral and allocation of cases through the CRU.

17.2 Referral to the CRU

The Refugee and Special Humanitarian case referral process table [page 2] outlines the actions required by posts, the CRU, IOM, State and Territory offices (STOs) and the Proposer Support service provider (PS) for the referral of every RSHP case to IHSS.

17.3 Referral form

The Refugee & Humanitarian entrant referral form [page 2] should be used by posts to refer every RSHP case to the CRU. For each new case posts must complete, save and email this form (as an attachment) to the CRU. An e-version of this form can be obtained from the CRU - contact details are listed in section 17.4 CRU & STO group email addresses.

17.4 CRU & STO group email addresses

When emailing referral details and applicants travel details, posts should use the group email address created for this purpose. This allows all team members to access the information and messages requiring an urgent response.

For posts

STO IMMI addresses

Posts can use the STO IMMI address option of:

- ACTRO Humanitarian Settlement AT IMMI
- Darwin DIMIA AT IMMI
- NSW Humanitarian Settlement AT IMMI
- DIMA Perth Settlement AT IMMI
- Queensland Refugee and Humanitarian AT IMMI
- SA Humanitarian Settlement AT IMMI
- Tasmania IHSS DIMA AT IMMI
- Melbourne OAA-CRSS DIMA AT IMMI

and, for the CRU,

- HSS AT IMMI

STO Internet addresses

The alternative Internet email address for STOs may be used:

- ACTRO.Humanitarian.Settlement@immi.gov.au
- Darwin.DIMIA@immi.gov.au
- NSW.Humanitarian.Settlement@immi.gov.au
- DIMA.Perth.Settlement@immi.gov.au
- Queensland.Refugee.&.Humanitarian@immi.gov.au
- SA.Humanitarian.Settlement@immi.gov.au
- Tasmania.IHSS.DIMA@immi.gov.au
- Melbourne.OAA-CRSS.DIMA@immi.gov.au

and, for the CRU,

- IHSS@immi.gov.au

For STOs

STOs using Lotus Notes should use the following address option:

- ACTRO Humanitarian Settlement

- Darwin DIMIA
- NSW Humanitarian Settlement
- DIMA Perth Settlement
- Queensland Refugee & Humanitarian
- SA Humanitarian Settlement
- Tasmania IHSS.DIMA
- Melbourne OAA-CRSS.DIMA

and, for the CRU,

- IHSS

REFUGEE AND SPECIAL HUMANITARIAN CASE REFERRAL PROCESS				
Step	Who	Action		
1	Post	Approves application.		
2	Post	Emails completed referral form <ul style="list-style-type: none"> ▪ see <u>Refugee & Humanitarian entrant referral form</u> [page 2]. ▪ see <u>section 17.4 CRU & STO group email addresses</u> for contact details. 		
3	CRU	Allocates case to a state, advises relevant STO and forwards the referral form <ul style="list-style-type: none"> ▪ see <u>section 17.4 CRU & STO group email addresses</u> for contact details. 		
4	STO	Decides <ul style="list-style-type: none"> ▪ on final destination and advises post by email with cc copy to CRU ▪ OR ▪ that they cannot accept the case and advises the CRU - in this instance steps 3 and 4 are repeated. 		
		Visa 200, 201, 203 & 204	Visa 202 only	
	Who	Action	Who	Action
5	STO & Post	Discusses suitable arrival date	STO	Refers case to PS <ul style="list-style-type: none"> ▪ Note: STOs should print the nominal roll from MPMS and provide to PS on referral.
5	Post	Coordinates with IOM travel to final destination.	PS	Ascertains travel details from Proposer
7	IOM	Organises travel (including transit arrangements) and advises post, STO and CRU of details. <ul style="list-style-type: none"> ▪ Advice should contain MPMS or case file number, surname, arrival date, final destination and family composition. ▪ see <u>section 17.4 CRU & STO group email addresses</u> for contact details. 	PS	Ascertains travel details <ul style="list-style-type: none"> ▪ Note: This step is important to enable early provision of Household Formation support, if required.
8	Post	Enters travel details into IRIS. <ul style="list-style-type: none"> ▪ Note: This step is essential to enable effective arrangement of services, including reception at the airport. ▪ Note: Use local times only. 	PS	Advises STO <i>if</i> proposer is incapable of providing support.
9	IOM, Post & STO	If there is any change to travel details, repeat steps 7 and 8.	Go to step 10	
10	STO	Refers case to Household Formation support (all visa subclasses). Refers case to Accommodation Support, and Initial Information and Orientation Assistance (only if STO assesses the proposer to be incapable of providing these services, for visa 202 cases). <ul style="list-style-type: none"> ▪ Note: STOs should print the nominal roll from MPMS and provide to IHSS service providers on referral. 		

REFUGEE & HUMANITARIAN ENTRANT REFERRAL FORM

For use by Posts referring every visa subclass 200, 210, 202, 203 or 204 cases to the Integrated Humanitarian Settlement Strategy (IHSS).

Email the completed form to the IHSS Central Referral Unit mailbox -

IHSS at IMMI

(or IHSS@immi.gov.au for posts that use Internet email addresses).

Primary Applicant details			
MPMS number			
Family name			
Given name			
Date of birth			
Visa subclass			
Other case details			
Number of adults		No. of children	
Language/dialect			
Ethnic group			
Details of special requirements such as: <ul style="list-style-type: none"> ▪ a wheel chair, ▪ urgent medical attention ▪ etc 			
Details of separate existing applications by family members			
Details of all unaccompanied humanitarian minors (UHMs) including: <ul style="list-style-type: none"> ▪ Is the UHM travelling with or joining a close adult relative over 21 years old? ▪ Will the adult care for the minor in Australia? If yes, specify relationship and contact details (if adult resides in Australia).			
Expiry date of medical/ character checks (if imminent)			
For 202 cases, information relating to proposers inability to provide support			
Details (including city/town) of any links the entrant/s wish to live near (Unnecessary for 202 cases)			
Any other relevant information not included in IRIS/MPMS			

18 TRAVEL ARRANGEMENTS: PAID PASSAGE AND CONCESSIONAL FARES

18.1 Summary

Only certain offshore humanitarian applicants may have their passage to Australia paid for by the Australian Government, namely persons granted visas:

- 200 Refugee
- 201 In-country special humanitarian
- 203 Emergency rescue
- 204 Woman at risk [except those with capital for transfer above \$20 000 (families) or \$10 000 (individuals)];
- 447 Secondary Movement Offshore Entry
- 451 Secondary Movement Relocation

18.2 Visa coding

If the applicant's travel is to be paid by the Government, officers issuing computer-generated visas are to ensure that the appropriate code is inserted in the relevant IRIS data field so that the code "AP" appears on the visa.

18.3 If ineligible

Persons ineligible for paid passage might be eligible for a concessional fare available through the IOM and Qantas.

For details, see [PAM3: GenGuideB - Paid passage and concession fares](#).

MATTERS RELATING TO POST-ARRIVAL SERVICES

ABOUT THIS PART

Summary

This Part comprises:

- [section 19 The Integrated Humanitarian Settlement Strategy](#)
- [section 20 Initial Information and Orientation Assistance](#)
- [section 21 Accommodation Support](#)
- [section 22 Household Formation Support](#)
- [section 23 Community Support for Refugees](#)
- [section 24 Early Health Assessment and Intervention](#)
- [section 25 Proposer Support](#)
- [section 26 Service Support Provider](#)
- [section 27 Settlement information.](#)

19 THE INTEGRATED HUMANITARIAN SETTLEMENT STRATEGY (IHSS)

19.1 Background

DIMIA provides, in partnership with other government agencies and many community and volunteer organisations, a range of services to help resettled entrants visaed under the humanitarian program settle in Australia.

The new model of the Integrated Humanitarian Settlement Strategy (IHSS) was launched in 2001 for the purpose of establishing a national framework for a better targeted and responsive approach to the settlement needs of eligible humanitarian visa holders and to improve the integration of service delivery.

19.2 About the strategy

The framework incorporates needs assessment, information and referrals, as appropriate, to specialised services such as torture and trauma counselling services and broader settlement services. A network of government and community-based organisations deliver these.

The current IHSS model integrates seven service outcomes that are seen as crucial to the initial settlement of persons visaed under the humanitarian program. These services are:

- Initial Information and Orientation Assistance (IIOA)
- Accommodation Support (AS)
- Household Formation Support (HFS)
- Early Health Assessment and Intervention Services (EHAI)
- Community Support for Refugees (CSR)
- Proposer's Support (PS)
- Service Support Provider (SSP)

The IHSS services have superseded the Community Refugee Settlement Scheme (CRSS) and On-Arrival Accommodation (OAA).

19.3 Eligibility for IHSS

200, 201, 203 & 204

Visa 200, 201, 203 and 204 entrants are eligible to access IIOA, AS, HFS, EHAI services and CSR.

202

Visa 202 entrants are eligible to access EHAI services, and HFS, if a needs assessment determines that the services are required.

These persons are not eligible to access other IHSS services. However, in exceptional cases, 202 entrants can become eligible for other IHSS services. IHSS assistance can be made available to the entrant before /after arrival in Australia following a needs assessment by a DIMIA STO Proposer Support Provider.

The proposers of 202 entrants can access PS.

19.4 Denial of access

IHSS services have been developed to assist resettled entrants adjust to the community they are placed in immediately after arrival. The objective of these services is to assist as many eligible resettled entrants as possible. It is therefore not possible to provide services to the same entrant more than once. Resettled entrants may or may not choose to take up the assistance being offered under IHSS.

A resettled entrant is not eligible to receive any particular component of the IHSS assistance (service type) from more than one service provider engaged by the Commonwealth, if the Commonwealth has already become liable for the entire cost of that service as soon as it was accessed.

In certain cases, the resettled entrant family may be serviced by two IIOA contractors - see [section 20.5 Transfer between IIOAs in same city](#).

20 INITIAL INFORMATION AND ORIENTATION ASSISTANCE (IIOA)

20.1 Purpose of IIOA

IIOA assists entrants to access the services they need in the initial stage of settlement, including other IHSS services, Centrelink and Medicare. The IIOA aims to equip entrants with the knowledge, skills and support they need to build their lives as a fully participating member of the Australian community.

20.2 Eligibility for IIOA

Visa 200-204 entrants (excluding 202s unless specially referred by DIMIA due to lack of support from their proposers) are eligible for this service.

20.3 Role of the service provider

The IIOA service provider:

- meets the entrant at the airport on arrival in Australia;
- transports them to their initial accommodation;
- familiarises them with their accommodation and use of its facilities;
- provides emergency clothing and access to emergency medical services as necessary; and
- through a service coordination and case management approach, provides the entrant with an individually tailored information, assistance and referral service, based on a needs assessment.

The IIOA service provider may be required to meet entrants transiting through an airport and provide transiting services. These services include assisting transiting entrants to meet connecting flights or other forms of connecting transport.

20.4 Period of assistance

The duration of the intensive assistance and linkage provided by the IIOA service provider usually is between 6 weeks and 6 months, depending on the individual needs of the entrant. Once the IIOA exit interview has been completed, entrants are referred to general settlement services provided through Migrant Resource Centres and Migrant Service Agencies.

20.5 Transfer between IIOAs in same city

Overview

If more than one IIOA service provider operates in the same city, looking after different zones of the metropolitan area, the following policy applies in relation to transfers of entrants between providers when entrants change residence from one zone to another.

Entrants eligible for IIOA will be referred by DIMIA to the IIOA service provider with responsibility for the zone in which the entrant is accommodated on arrival.

DIMIA and the Accommodation Support service provider will cooperate with the IIOA service provider with the aim of initially accommodating entrants in the zone in which they are likely to wish to remain for at least the first 6 months of their settlement in Australia.

However, there will be some cases where entrants wish to move residence between IIOA service zones while they are receiving IIOA support. In these cases, a transfer of the case management between IIOA contractors, facilitated by DIMIA, will be necessary.

Which cities

Currently this policy is applicable only to the Melbourne metropolitan region.

Case transfer

The IIOA service provider providing the assistance to the entrant on arrival in the city will be responsible for all aspects of the assistance required by the entrant up until the time that the entrant relocates to another IIOA service zone. At such time that IIOA service provider must transfer the case to the IIOA service provider operating in the service zone to which the entrant relocates. The IIOA service provider to which the entrant is transferred will then assume responsibility for the case.

The initial IIOA service provider

Until the entrant relocates to another IIOA service zone, the IIOA service provider initially assisting the entrant will be required to undertake the assistance components listed in [section 20.3 Role of the service provider](#).

The receiving IIOA service provider

The IIOA service provider to whom the entrant is transferred is responsible for continuing the provision of the individually tailored information, assistance and referral service, ensuring that it is adjusted as necessary to reflect services in the new zone and completed as necessary culminating in an exit interview with the entrant and hand over to a new case manager as necessary.

20.6 Payment for transfers (Melbourne metro only)

For the IIOA service provider who assists the entrant on arrival and up until the time that the entrant relocates to another IIOA: 65% of that service provider's unit price for IIOA.

For the IIOA service provider to whom the entrant is transferred and who completes all aspects of the IIOA service to the exit interview: 35% of that service provider's unit price for IIOA.

21 ACCOMMODATION SUPPORT (AS)

21.1 Purpose of AS

The purpose of AS is to:

- provide offshore humanitarian entrants and permanent Protection (866) visa holders with initial accommodation in Australia; and
- assist in the procurement of long-term accommodation in either the private or public housing sectors.

21.2 Eligibility for AS

Entrants who are eligible to receive AS services are:

- Refugees (visa 200, 201, 203, 204) and Special Humanitarian Program (visa 202) entrants referred by DIMIA to the Contractor for assistance through the provision of the Contract Services; and
- persons released from immigration detention on the grant of a permanent Protection (866) visa and who:
 - are referred by DIMIA to the Contractor for assistance through the provision of *Accommodation* Contract Services; and
 - are assessed by Commonwealth officers as not having family or friends in Australia who can assist them with accommodation; and
- any other humanitarian program entrant or visa holder determined by the Commonwealth as eligible and referred by DIMIA to the Contractor for the provision of Contract Services.

Posts should note that they are not empowered to determine whether a humanitarian entrant (not specified in the visa categories above) is to be eligible for AS.

22 HOUSEHOLD FORMATION SUPPORT (HFS)

22.1 Purpose of HFS

HFS ensures that the resettled entrant has the basic material requirements to establish a household in Australia.

Resettled entrants' needs are assessed and, based on this assessment, individuals are provided with items such as beds, bedding and whitegoods, thus facilitating their resettlement. The purpose behind the assessment is to ensure all resettled entrants have the basic household necessities when they secure long-term accommodation.

22.2 Eligibility for HFS

Humanitarian program entrants eligible to receive the HFS are:

- all Refugees (200, 201, 203, 204) entrants, Special Humanitarian Program (202) entrants) and persons released from immigration detention on grant of a permanent Protection (866) visa;
- any other humanitarian program entrant or visa holder determined by the Commonwealth as eligible and referred by DIMIA to the Contractor for the provision of Contract Services

Posts should note that they are not empowered to determine whether a humanitarian entrant (not specified in the visa categories above) is to be eligible for HFS.

23 COMMUNITY SUPPORT FOR REFUGEES (CSR)

23.1 Purpose of CSR

CSR is a volunteer based the isolation of, and providing practical social support for newly-arrived refugees and humanitarian entrants. Volunteers can fill this need by being able to spend more time with refugees on a one-to-one basis and will be able to respond to needs with the flexibility akin to social contacts.

CSR group members, in providing this assistance, will complement the role of IHSS contracted service providers. By providing an informal support system, the CSR group will help to alleviate the sense of loss of community and extended family that refugees often experience

It should be noted that in many States/Territories, CSR groups often assist in the provision of IHSS services. For example, in some cases CSR groups provide assistance by linking entrants with other agencies, including Centrelink, Schools, and Adult Migrant English Program (AMEP), providing longer-term accommodation and assisting with household formation. All these services are IHSS contracted services.

23.2 Eligibility for CSR

All Refugee and Special Humanitarian Program entrants undergo a needs assessment (conducted by the IIOA or PS service providers) to determine whether they require CSR assistance.

For more information on CSR and registration see the *CSR Guidelines*. (obtainable from Humanitarian Settlement Section, DIMIA CO).

23.3 Registration

To apply to become a CSR volunteer, the State/Territory-specific form 1189 *Application to Register as a Community Support for Refugee (CSR) Group* must be completed.

[This form will be amended in 2002-2003 for the form to be returned to the Service Support Providers (SSP), Deakin University and Torture and Trauma Survivors Service of the Northern Territory.]

24 EARLY HEALTH ASSESSMENT AND INTERVENTION (EHAI)

24.1 Eligibility for EHAI

Under the IHSS, DIMIA has contracts in place in each State/Territory with member agencies of the *National Forum of Services for Survivors of Torture and Trauma* for the provision of the EHAI service. All humanitarian program entrants, including holders of Temporary Protection (785) visas are eligible for the service.

24.2 EHAI assistance

The Forum offers the following assistance to resettled entrants:

- information about the health services available to them including physical, psychological, psychosocial, optical, dental, hearing, rehabilitation, baby and women's health services;
- a comprehensive physical health screening and referral process to ensure physical health issues are detected early and appropriately addressed;
- a comprehensive and appropriately structured assessment of psychological symptomatology and social functioning that takes into account the effect of past experiences of trauma and torture and their potential to inhibit the entrant's ability to settle in Australia; and
- a range of short-term psychosocial and psychological interventions to assist the entrant in managing their recovery from serious traumatic and psychological difficulties.

25 PROPOSER SUPPORT (PS)

25.1 Eligibility for PS

Proposers of Special Humanitarian Program (202) entrants are eligible to access this service.

PS is designed to facilitate proposers with their task of helping the resettled entrants settle into Australia, advising them of their responsibilities as proposers.

The role of proposers in SHP is to provide the newly-arrived (proposed) entrants with the support and information they require to successfully resettle in Australia. In effect, proposers are service providers, as they are expected to provide support and information to resettled entrants similar to that provided through other IHSS services such as the IIOA.

25.2 PS assistance

PS has been designed to help proposers understand their obligations and help them respond to the resettlement needs of the proposed entrants to the best of their ability. The range of support available to proposers includes pre-arrival information resources and a post-arrival help service that provides additional information and guidance.

The post-arrival assistance also provides referral assistance if proposers cannot provide appropriate and continued support.

25.3 Eligibility for other IHSS services

Although proposers are obliged to support SHP entrants and facilitate their settlement, STOs may determine, in exceptional cases, that resettled entrants can become eligible for other IHSS services to supplement or replace proposer support. This decision can only be made by STOs after an assessment of the entrants' needs and only in exceptional cases, on a case by case basis.

26 SERVICE SUPPORT PROVIDER (SSP)

26.1 Purpose of SSP

SSP service is targeted at the contracted service providers within IHSS and CSR groups.

SSP service ensures that all IHSS service providers are equipped to meet the service needs of eligible humanitarian program entrants in the initial stages of settlement and their obligations as contracted service providers, employers and partners, where relevant.

SSP also enhances the entrants' settlement by expanding the capacity of the voluntary sector to deliver services by being responsible for the recruitment, coordination and registration process of CSR groups; and providing training and support to CSR groups.

26.2 Eligibility for SSP

All IHSS service providers and CSR groups are eligible for this service.

27 SETTLEMENT INFORMATION

27.1 Forms 412 & 417

Forms:

- 412 *Settlement Checklist: Assisting people entering Australia under the Humanitarian Program*; and
- 417 *Helpers Guidelines: assisting people entering Australia under the Humanitarian Program*

are no longer current and must not be distributed to entrants or proposers.

27.2 State/Territory information kits

Officers should also be aware (and, if opportunity arises, inform humanitarian visa holders) that State/territory settlement information kits are available from DIMIA offices onshore and the DIMIA web site.

These kits are available in English, and 21 community languages, and provide detailed State/Territory-specific information on post-arrival services. For example, what to do in the first few weeks of arrival and who can assist newly-arrived migrants to access settlement services.

These kits can be obtained from DIMIA STOs, Migrant Resource Centres or from the Internet on www.immi.gov.au/settle/booklets/index.htm.

UNACCOMPANIED HUMANITARIAN MINORS (UHMs)

ABOUT THIS PART

Summary

This Part comprises:

- [section 28 The UHM guidelines](#)
- [section 29 Unaccompanied humanitarian minor](#)
- [section 30 Unattached humanitarian minors](#)
- [section 31 Detached humanitarian minors](#)
- [section 32 Establishing relationships](#)
- [section 33 Identifying cases](#)
- [section 34 Settlement](#)
- [section 35 Settlement in Australia must be the appropriate course](#)
- [section 36 Settlement assessment](#)
- [section 37 Other considerations](#)
- [section 38 Carer's agreement form](#).

28 THE UHM GUIDELINES

28.1 Purpose

This Part of GenGuideD provides guidelines on the special considerations where an applicant for an offshore humanitarian visa is an unaccompanied humanitarian minor as described in [section 30 Unattached humanitarian minors](#). The guidelines should be read together with the relevant PAM3:Sch2Visa document.

29 UNACCOMPANIED HUMANITARIAN MINORS

29.1 Definition

An unaccompanied humanitarian minor (UHM) is a person who:

- is an applicant for an offshore humanitarian visa, regardless of whether they are seeking to satisfy Schedule 2 primary criteria (ie having claims in their own right) or secondary criteria (ie included in an application as a family unit member); and
- is under 18 at time of arrival in Australia; and
- is not currently in the care of their parent/s; and
- is not entering Australia for adoption ie no-one has commenced adoption proceedings through a State/Territory welfare agency (if adoption proceedings have commenced, the appropriate visa is Adoption visa 102); and
- does not have a de jure spouse over the age of 21.

29.2 Meaning of unaccompanied

“Unaccompanied” means the minor is neither travelling with a parent to Australia nor joining a parent/s in Australia. (They may, however, be travelling with a close adult relative).

On arrival in Australia, an unaccompanied humanitarian minor is classified as either:

- an *unattached minor* - see [section 30 Unattached humanitarian minors](#); or
- a *detached minor* - see [section 31 Detached humanitarian minors](#).

30 UNATTACHED HUMANITARIAN MINORS

30.1 Policy definition

Unattached humanitarian minors are those unaccompanied humanitarian minors who:

- do not arrive in Australia in the care of a close adult relative; and
- do not have a close adult relative in Australia to care for them; and
- become wards of the Minister under the provisions of the *Immigration (Guardianship of Children) Act 1946* (“IGOC Act” - see [PAM3: IGOC](#). Briefly,
 - the IGOC Act ensures that these minors have a legal guardian in Australia;
 - State/Territory child welfare agencies are responsible for overseeing the welfare of these minors.)

30.2 Could be travelling as part of a family unit

It is critical that officers note that a minor can be an unattached humanitarian minor even if travelling as part of a family unit.

In such situations, the minor’s settlement in Australia might be the appropriate solution if other durable solutions (ie repatriation or integration into the country of first refuge) or settlement in a country other than Australia are not satisfactory.

30.3 If the family head is not a close relative

An example of an unattached refugee minor is a minor who satisfies Schedule 2 secondary criteria (and regulation 1.12) to be a **member of the family unit** of a relative but:

- the relative of whom the minor is a family unit member is not a close adult relative (eg is an adult cousin or an uncle under the age of 21); and
- the minor does not have a close adult relative in Australia.

If the minor is granted a visa, the IGOC Act applies and the minor is classified on arrival as an unattached humanitarian minor. For the purposes of the IGOC Act, it is irrelevant that the child has satisfied migration law requirements to be a member of their relative’s family unit and has been granted a visa on that basis.

30.4 If not applying as a family unit member

Another examples of an unattached humanitarian minor is where, on rare occasions:

- the minor has been abandoned or its parents are dead or cannot be found [or even may still be alive and living in the home country - see [section 35.3 Repatriation - Anchor cases](#); and
- the minor does not have a close relative in Australia; and
- the minor is regarded as a family member by an applicant who satisfies primary criteria but the minor does not meet regulatory requirements to be granted a visa as a ‘member of the family unit’ of that applicant; and
- although the minor cannot be granted a visa as a member of the family unit, the compelling circumstances warrant special consideration being given to granting the minor a visa (ie in their own right).

If the minor is granted a visa, the IGOC Act applies and the minor is classified on arrival as an unattached humanitarian minor.

For the purposes of the IGOC Act, it is irrelevant, that, the child is regarded under local custom as a family member. Acceptance under local custom as a family member does not override the Minister’s responsibilities under the IGOC Act (which determines these matters under Australian domestic law).

31 DETACHED HUMANITARIAN MINORS

31.1 Policy definition

Detached humanitarian minors are those unaccompanied humanitarian minors who arrive in Australia in the care of a close adult relative or for the purpose of living in Australia under the care of a close adult relative.

If a detached humanitarian minor is to travel to Australia in the care of a close adult relative, the visa application/s of both the minor and the close relative should be assessed and decided separately but at the same time so that, if the application/s is successful, the minor and close relative may travel together.

The Minister has no legal responsibility for detached humanitarian minors. It is the State/Territory welfare agencies that have statutory responsibility for the welfare of minors in their particular State/Territory.

32 ESTABLISHING RELATIONSHIPS

32.1 Close adult relative

Policy definition

For UHM purposes, a close adult relative is a grandparent, brother, sister, uncle or aunt (of an unaccompanied humanitarian minor) who is at least 21. This policy definition of close adult relative is in the cost-sharing agreements between the Commonwealth and State/Territory welfare agencies; it is not in the IGOC Act.

Relationship to the UHM

This close adult relative:

- may be proposing the child for entry to Australia under the offshore humanitarian program; or
- may be a visa applicant (ie the minor has been included in the close adult relative's visa application as a member of the family unit).

33 IDENTIFYING CASES

33.1 How UHMs come to notice

An unaccompanied humanitarian minor may come to DIMIA's notice in one of the following ways:

- lodgement of a visa application by the unaccompanied humanitarian minor or on the minor's behalf or in circumstances where the minor is included in another person's application as a family member; or
- referral by the UNHCR; or
- referral by another non-government organisation (such as the Red Cross); or
- lodgement of a form 681 proposal in favour of the applicant as part of an application for an offshore humanitarian visa 200, 202 or 204. (Although only visa 202 by law requires that the applicant be proposed for entry to Australia in accordance with form 681, relatives and groups in Australia who are assisting visa 200 or 204 applicants are encouraged to lodge a form 681.)

33.2 Visa eligibility

All unaccompanied humanitarian minors must be assessed against Schedule 2 criteria for the particular visa class (including subclasses within that visa class) for which they are applying.

Depending on the minor's circumstances, the minor will need to satisfy either primary criteria or secondary criteria (if a family unit member of a relative).

34 SETTLEMENT - OVERVIEW

34.1 Settlement-related criteria

Some criteria common to all visas in the humanitarian program in effect ensure that unaccompanied humanitarian minors are granted a visa only if settlement in Australia is the most appropriate solution for them (ie that it is in their best interests) and Australia has the capacity to meet their particular settlement needs.

These criteria are:

- the Schedule 2 primary criterion that requires officers to be satisfied that permanent settlement in Australia is the appropriate course for the applicant - see [section 35 Settlement in Australia must be the appropriate course](#); and
- Schedule 4 public interest criterion 4010, which requires the applicant to satisfy officers that they are likely to become established in Australia without undue personal difficulty and without imposing undue difficulties or costs on the Australian community. A settlement assessment (see [section 36 Settlement assessment](#)) is necessary to assess the minor against PIC 4010.

34.2 Rights & interests of other parties

Officers must take particular care to ensure that granting a visa to an unaccompanied humanitarian minor will not prejudice the rights and interests of any other person who has custody or guardianship of, or access to, the minor. For background and guidelines, see [PAM3: Sch4/4015](#). Briefly, however, if a parent or guardian can be traced but they are not in a position to leave their country of origin, the proposer, close adult relative or other interested party should be asked to obtain written consent from them:

- to place the minor in the custody of a close adult relative in Australia (in the case of a detached minor); or
- for the minor to be made a ward of the Minister (in the case of an unattached minor).

A copy of the consent document signed by the parents or guardian should be included with the information requested in [section 36.2 Case details needed by CO](#).

34.3 Decision making

Summary

The overseas decision maker has final responsibility for drawing together the overseas assessment (including assessment of alternative options) and the assessment of care arrangements in Australia in deciding whether or not a minor should be settled in Australia.

If a visa is granted, the decision maker is responsible for counselling - see [section 37.4 Counselling](#).

All factors to be considered

In deciding whether to grant a visa to an unaccompanied humanitarian minor, officers should give due weight to all circumstances and available information concerning the minor, including the interview, the settlement assessment and other options, and the minor's expressed preferences as far as these can be established.

If an unaccompanied humanitarian minor is not travelling with or joining their care giver in Australia, State/Territory welfare agencies will nominate and assess an appropriate care giver.

Details will be forwarded to the relevant overseas post by Humanitarian Settlement Services Section.

35 SETTLEMENT IN AUSTRALIA MUST BE THE APPROPRIATE COURSE

35.1 Considering the options

This section outlines the main considerations in assessing whether settlement in Australia is appropriate.

35.2 Durable solution

In deciding whether settlement in Australia is the most appropriate course of action, officers should, under policy, consider the durable solutions promoted by the UNHCR taking into account the minor's particular circumstances and settlement needs.

The durable solutions are, in order of priority:

- repatriation and reunification with family in conditions of safety and dignity - see [section 35.3 Repatriation](#); or
- integration in the country of first refuge; or
- resettlement in a third country - see [section 35.4 Settlement in a third country](#).

35.3 Repatriation - Anchor cases

Situations arise where a parent or other family member sends a child from its home country in order for the child to secure settlement in another country and eligibility to subsequently nominate family members for settlement in that country. (These children are commonly known as "anchor" cases.) Such practices can unduly endanger the lives and well-being of the children.

Wherever possible, reunification with family should be regarded as the best option. Settlement in Australia is unlikely to be the appropriate course for the applicant unless reunification with family in conditions of safety and dignity is otherwise unsatisfactory.

35.4 Settlement in a third country

If a minor has links or family ties with a third country other than Australia, settlement prospects in that country should also be considered.

Resettlement in a third country if there is no relative to care for the minor would not generally be considered to be the appropriate course for an unaccompanied humanitarian minor. However, there may be occasions where a minor's particular circumstances are such that appropriate protection and humanitarian assistance can only be ensured by resettlement in a third country.

36 SETTLEMENT ASSESSMENT

36.1 Overview

In deciding whether to grant a visa for an unaccompanied humanitarian minor an assessment of the care the minor will receive after arrival in Australia is mandatory.

Under policy, an unaccompanied humanitarian minor whose care arrangements in Australia are assessed as unsatisfactory does not satisfy public interest criterion 4010.

Factors such as the minor's cultural background, physical and mental health, survival of torture and trauma, physical abuse and the availability of support services to cater for the minor's needs must also be considered.

36.2 Case details needed by CO

To assist in establishing whether care arrangements for the minor in Australia are satisfactory, officers should provide the following details to Humanitarian Settlement Services Section, DIMIA CO:

- biographical details of the minor including the date of birth and the exact relationship between the minor and the proposed care giver;
- if available, a copy of the UNHCR bio data sheet;
- a brief explanation of why settlement in Australia is being considered;
- a copy of the consent document signed by the guardian or parents (if applicable);
- a copy of the *Agreement to undertake care of an unaccompanied humanitarian minor*, if applicable - see [section 38 Carer's agreement form](#)

36.3 Carer's agreement

See [section 38 Carer's agreement form](#).

36.4 CO's case summary

After completing the settlement assessment, Humanitarian Settlement Services Section will forward a case summary to the overseas post. The case summary will include details of any special arrangements such as (if relevant) the minor's status under the IGOC Act.

37 OTHER CONSIDERATIONS

37.1 UHM considerations - 200, 201, 203 & 204

Persons applying for visas 200, 201, 203 or 204 are not required to have close links with Australia.

Unaccompanied humanitarian minors applying for one of these visas may or may not have a close adult relative to care for them in Australia, for example as in the circumstances described in [section 30.3 If the family head is not a close relative](#) or [section 30.4 If not applying as a family unit member](#) or as described immediately below.

On rare occasions, an unaccompanied humanitarian minor who is an applicant in their own right for an offshore humanitarian visa may not have a close adult relative but presents compelling circumstances that warrant special consideration being given to granting the minor a visa. An example is where the minor has been abandoned or its parents are dead (or cannot be found) and the minor is in a vulnerable situation that demands protection and the minor has links in Australia.

In such situations:

- the minor's settlement in Australia may be the appropriate solution if other durable solutions (ie repatriation or integration into the country of first refuge) or settlement in a country other than Australia are not satisfactory; and
- if the minor is granted a visa, the IGO Act applies and the minor enters Australia as an unattached humanitarian minor.

37.2 UHM considerations- 202 cases

Visa 202 requires an Australian citizen, Australian permanent resident, eligible New Zealand citizen or a body operating in Australia to propose the applicant for entry to Australia.

The form 681 proposal does not provide a guarantee that the minor would have a care giver in Australia. Therefore it is important that officers ensure a close adult relative willing to be the minor's care provider in Australia signs an *Agreement to undertake care*. A copy should be forwarded to Humanitarian Settlement Services Section, DIMIA CO.

For visa 202, the settlement assessment of an unaccompanied humanitarian minor is relevant in assessing:

- the factors mentioned in section 30.3 If the family head is not a close relative and section 30.4 If not applying as a family unit member; and
- whether the minor satisfies Schedule 2 criterion 202.222(d) (which takes into account the capacity of the Australian community to provide for the permanent settlement of persons in Australia on humanitarian grounds).

37.3 Torture/trauma

Officers need to appreciate that an unaccompanied humanitarian minor may have been subject to torture, physical abuse, neglect, abandonment or abduction. In some cases, the minor may have witnessed, or themselves been survivors of, direct hostilities and atrocities, including the torture of their parents or the destruction of their homes. This can impact on the settlement of the minor and may lead to serious adjustment problems.

37.4 Counselling

At the time of visa grant, if the care giver is travelling with the minor, officers should:

- advise the care giver that the minor will be classified on-arrival as either an unattached or detached humanitarian minor and explain the care giver's legal position. This is particularly important if the minor is classified as unattached and becomes a ward of the Minister; and
- explain to the care giver that completing the Agreement to undertake care indicates their willingness to provide care, welfare and (in general terms) financial support to the minor on arrival in Australia; and
- advise the care giver and (if appropriate) the minor that counselling will be made available to them from the State/Territory welfare agency and that a social worker from the State/Territory welfare agency will contact them shortly after arrival; and
- give the care giver a copy of the form 412 settlement checklist; and
- advise the care giver and (if appropriate) the minor on the range of income support measures that may be available to them on their arrival in Australia. Briefly, unattached minors under 16 who are full-time students are eligible to receive a maintenance allowance, which is paid by DIMIA.

37.5 Health checks

Officers should note that, under policy, Hepatitis B screening is mandatory for all unaccompanied humanitarian minors. For further guidance on health check requirements, see PAM3: Sch4/4005.

38 CARER'S AGREEMENT FORM

38.1 Pro forma

If a close adult relative is willing to provide care for the minor in Australia, an *Agreement to undertake care of an unaccompanied refugee minor* should be obtained from the relative, including those cases where a form 1009 undertaking has been provided.

Although the agreement does not legally bind the relative to assume financial responsibility for the minor, it is an indication of the relative's willingness to care for and provide support and supervision for the minor.

Immediately following is the agreement form.



DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS

**AGREEMENT TO UNDERTAKE CARE OF AN
UNACCOMPANIED HUMANITARIAN MINOR**

Client ID: _____

Cross reference: _____

Name of care giver: _____
(Family Name) (Given Names)

Date of birth: _____

Marital status: _____

Name of child: _____
(Family Name) (Given Names)

Date of birth: _____

Relationship to care giver: _____

Place of birth: _____

Name of father: _____

Whereabouts of father: _____

Name of mother: _____

Whereabouts of mother: _____

- I undertake to assume care in Australia of the abovenamed child.
- I understand and accept that I will be responsible for the accommodation, financial support and care of the child until he/she reaches 18 years of age.

Signature of care giver

Signature of witness

Date: ___ / ___ / 200__

[End of GenGuideD/The offshore humanitarian program]