



**Australian Muslim Women's
Centre for Human Rights**
Equality without Exception

Submission into Australia's Humanitarian Program 2022-2023

Australian Muslim Women's Centre for Human Rights

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About us

This submission has been developed by the Australian Muslim Women's Centre for Human Rights (AMWCHR). The AMWCHR is an organisation of Muslim women leading change to advance the rights and status of Muslim women in Australia.

We bring over 30 years of experience in providing one-to-one support to Muslim women, young women and children, developing and delivering community education and capacity-building programs to raise awareness and shift prevailing attitudes. We also work as advocates - researching, publishing, informing policy decisions and reform initiatives as well as offering training and consultation to increase sector capacity to recognise and respond to the needs of Muslim women, young women and children.

As one of the leading voices for Muslim women's rights in Australia, we challenge the most immediate and pertinent issues Muslim women face every day. We promote Muslim women's right to self-determination, recognising the inherent agency that already exists, bringing issues of inequality and disadvantage to light.

AMWCHR works with individuals, the community, partner organisations and government to advocate for equality within the Australian context. This submission is designed to contribute greater awareness and understanding of the unique challenges and barriers facing newly arrived and migrant Muslim women engaging in Australian society and their specialised support needs throughout their settlement journey – which we know is complex and varied.

Acknowledgement of Country

This submission recognises that gender, race, and religion intersect to create multiple forms of discrimination and violence against Muslim women, particularly in a context of growing Islamophobia. It also recognises that preventing prejudice in all forms is bound to the struggles of Aboriginal and Torres Strait Islander communities. Before we can successfully tackle issues within our communities, we must address the ongoing impacts of colonisation, systemic racism, and discrimination in all its forms in this country.

AMWCHR acknowledges the Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the Traditional Custodians of the lands our organisation is located on and where we conduct our work. We pay our respects to ancestors and Elders, past and present. AMWCHR is committed to honouring Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters, and seas and their rich contribution to society.





Introduction

The Australian Muslim Women's Centre for Human Rights thanks Minister Giles' office for the opportunity to submit a response to the Discussion Paper on Australia's Humanitarian Program for 2022-2023. The Humanitarian Program (HP) is an integral part of Australia's migration intake – one that allows our country to fulfil our responsibility to contribute to international efforts to ensure safety and security for people seeking asylum, particularly those fleeing crisis and conflict countries, where women and children are often the most at-risk of experiencing further trauma.

The COVID-19 pandemic and the subsequent disruption to the program in the past several years has had a drastic impact on the HP, in terms of both the number of humanitarian entrants settled in Australia, as well as the services they are offered on arrival. There is an urgent need to reduce the backlog of people waiting both onshore and offshore for their applications to be processed, and to improve the support they are given on arrival to meet their immediate and most pressing needs.

This submission outlines the AMWCHR's recommendations with regards to the HP for the coming year, with key consideration given to the HP's impact on Muslim women, children, and families in Australia. Services supporting Muslim women and their families who have been settled in Australia on humanitarian visas form a key component of the work we do at AMWCHR. The recommendations given herein are based on insights formed through working from and within communities most affected by the HP and informed by consultations with our staff and community.

Size of the Humanitarian Program, International Context, Eligibility

Australia is a country with a high capacity to make a meaningful contribution towards global refugee resettlement programs, and AMWCHR welcomes efforts to improve and increase our humanitarian intake. However, as it stands, Australia still falls short of meeting our responsibilities and capabilities with regards to refugee resettlement.

The Discussion Paper refers to Australia as one of the world's 'most generous contributors to international refugee resettlement efforts' (DHA, 2022 p.2). The Paper cites Australia's intake of 930,000 refugees in the 77 years since the end of the Second World War as evidence of our commitment to the HP. The Paper also states that Australia 'consistently ranks among the top three permanent resettlement countries, in both absolute and per capita terms' (DHA, 2022 p.4)

AMWCHR questions this framing of Australia's resettlement contributions in such broad sweeping and generous terms. The above statistics do not accurately reflect Australia's contribution towards global refugee programs, and in an international context, Australia is far from making an equitable contribution to protection efforts for at-risk people.



Over the past three decades, Australia's cap on humanitarian visas under the HP has remained between 12,000 and 14,000 places, with exceptions made for years that included special allocations in response to global events. Although for many of these years, the actual allocation of visas remained at or near the cap, in recent years, there has been a marked under allocation of visas under the HP. The 2019-2020 cap was set at 18,750 places. However, only 13,171 visas were granted in 2019-2020. Similarly, the 2020-2021 cap was decreased from 18,750 the preceding year to 13,750 in response to the COVID-19 pandemic. Just 5,947 visas were granted – the lowest number of humanitarian visas since 1975 (Philips, 2017). Although the COVID-19 pandemic has presented unique and unprecedented challenges to Australia's HP, the AMWCHR challenges arguments made by the Department that the low number of humanitarian visas granted under the program was unavoidable due to the pandemic. In 2020-2021, the Department of Home Affairs exceeded its allocation of 160,000 places under the Annual Migration Program – an increase from 140,366 in 2019-2020 (DHA, 2021 p.83). This number exists in stark contrast to the 45-year low in refugee visas granted in the same year. The Government's failure to fill an already reduced intake of humanitarian visas is not a matter of capacity but rather priority.

Placing these numbers in a global context demonstrates Australia's underperformance and inequitable contribution to providing safe settlement for refugees. The Paper's assertion that Australia is one of the top three permanent resettlement countries is only accurate in relation to the UNHCR's offshore program, of which just 30 countries are involved in globally, and which only constitutes a small portion of the global refugee intake. Rather than reflecting a country's overall commitment to refugee resettlement, the UNHCR resettlement program more accurately reflects a country's ability to share the international responsibility for refugees considering the number of asylum seekers who arrive spontaneously at a country's borders. As Australia has comparatively few spontaneous arrivals due to our geographical positioning, our intake under the UNHCR program is larger than, for example, countries in Europe that allocate the vast majority of their humanitarian visas to people arriving onshore. According to the Refugee Council of Australia, Australia is more accurately ranked 25th overall, 29th per capita, and 54th relative to national GDP for our provision of humanitarian visas (RCA, 2020).

Another key priority for our organisation is the prompt allocation of visas to people in Afghanistan. The Departmental timeline of granting the 16,500 visas over four years is concerning given the imminent risk that Afghans face. While waiting for relocation to Australia, Afghan women face the very real possibility of sex trafficking, early and forced marriage (EFM), extreme poverty, and even death. A waiting time of up to four years is unconscionable in light of the circumstances in country and is contrary to the motivation for the special allocation in the first instance – that is, the recognition of the immediate need for protection. AMWCHR is deeply concerned for the women, children, and families in Afghanistan who require immediate relocation under Australia's HP.

The risks of sex trafficking, EFM, and physical and emotional harm is not limited to women and children in Afghanistan. The people waiting to safely seek asylum in refugee camps often in neighbouring countries following protracted conflicts in their home countries, namely from either Syria or Iraq, awaiting placement to a safe location are particularly vulnerable to abuse and exploitation. The Department should prioritise these individuals through increasing the number of



Women at Risk (subclass 204) visas. Applications from those who are currently in refugee camps should likewise be processed as soon as possible in recognition of the high-risk environment, the lack of access to basic needs, and the subsequent unsafe and low quality of life within the camps.

The AMWCHR welcomes the priority allocation of visas to Rohingya and Bangladeshi refugees and would also like to see the inclusion of a special allocation of visas for Uyghur asylum seekers who are currently being subjected to state brutality, discrimination, and unlawful imprisonment in internment camps in Xinjiang Province in China.

For those who are already in Australia and who are seeking reunification with family members through the HP, policy changes are required to account for the strong, intergenerational kinship networks of many Muslim communities. The current Departmental definition of 'immediate family' to mean a spouse or child is a highly westernised interpretation of what family means. This definition should be expanded beyond the nuclear family to allow refugees to reunite with all family members who remain at risk. In addition to expanding the definition of 'immediate family' to better reflect the diversity of family relationships across cultures, eligibility for family reunification should not be restricted by an individual's visa subclass or mode of arrival. Currently, those on Temporary Protection Visas (TPVs) (subclass 785) and Safe Haven Enterprise Visas (SHEVs) (subclass 790) are unable to nominate or sponsor relatives for resettlement in Australia under the Humanitarian Program or the Migration Program (Kaldor Centre for International Refugee Law, 2022). These discriminatory restrictions are designed to punish those who arrived in Australia by boat, and place refugees in an indefinite period of separation from their family and communities, including from family members who are in need of protection.

Temporary protection visas in particular are of key concern to our organisation and community. In line with the recommendations laid out in the Kaldor Centre's *Principles for Australian Refugee Policy* - a framework and blueprint endorsed by the AMWCHR - we strongly advocate for temporary protection visas to be abolished immediately. These visas cause long-term suffering both in relation to family separation and insecure protection, which places refugees in a state of ongoing legal limbo where they are faced with the prospect of being sent back to a country where their lives and wellbeing are at risk. Australia has an obligation under the Refugees Convention to ensure the principle of *non-refoulement* is upheld, and under current policies and practices we are in clear abrogation of our commitment at international law. All temporary protection visa holders should be offered permanent protection as a priority.

In light of the above, it is AMWCHR's recommendation that:

1. The Department increases capacity to assess visa applications to ensure timely granting of visas and a solution to the current backlog. Increased capacity is also required to attend to the 9,000 people who are currently waiting offshore for transfer to Australia.
2. Australia's allocation be increased to a *minimum* of 27,000 places per year - the number recommended by the Expert Panel on Asylum Seekers and endorsed by the Federal Labor Party and Minister Giles' office (Karlsen, 2016 p. 9; ALP, 2021 p. 123). This target should be met within four years.



3. The visas planned but not delivered in the 2019-20 and 2020-21 Programs be delivered immediately, *in addition* to an increased 2022-23 intake.
4. The allocation for Afghans be front ended with the delivery of 70% of the promised 16,500 visas within two years, in recognition of the immediate risk women, children, and their families are facing in Afghanistan.
5. There should be an increase in visas to those most at risk through special allocations and an increased Women at Risk program. Priority areas should include unaccompanied minors, Uyghurs, and women and families in refugee camps from the Rohingya, Syrian and Iraqi communities.
6. Australia should increase the capacity of its current family reunification programs, get rid of discriminatory restrictions on family reunification for those who have come to Australia by boat under Direction 80, and expand the definition of 'immediate family' to account for wider kinship and cultural support networks.
7. Temporary protection visas should be abolished, and all holders transferred onto permanent protection visas.
8. The Federal Government should implement the recommendations outlined in the *Kaldor Centre Principles for Australian Refugee Policy*.

Quality of current services

In conjunction with an increase in the number of humanitarian visas granted under the HP, improvements are needed to increase the quality of the services that support newly arrived refugees in Australia. There remains a disconnect between the services offered as part of the Humanitarian Settlement Program (HSP), and the primary needs of recent arrivals – particularly Muslim women and their families as outlined in more detail below. Additionally, funding that is based on metrics of success that favour quantity over quality restrict non-government settlement services' ability to assist clients in a needs-based and holistic way.

The Discussion Paper describes the support offered to recent arrivals under the Program as 'tailored and intensive' (p.7). In our experience, this is often not the case. The AMWCHR routinely receives referrals for people who have already completed the government orientation yet who have not received practical education on things such as how to use public transport, how to fill out forms, and how to apply for government support. Rather than allowing individuals to become self-reliant, the current quality of services means that community-run organisations such as the AMWCHR are instead providing this intensive one-to-one support, without adequate ongoing funding, and with strict targets and hefty reporting obligations. Our caseworkers must attempt to balance their responsibility to provide the most effective and needs-based care alongside pressure to close cases and meet funding targets. This poor quality of the orientation prolongs an already disorienting, traumatic, and stressful period for newly arrived refugees who often experience a complex hierarchy of needs. Leaving humanitarian arrivals without the necessary knowledge and skills to access basic services and needs increases the risk of homelessness, poverty, food insecurity, and mental illness. Ultimately this requires our caseworkers to deliver much more intensive and complex work to support client settlement and their mental health and wellbeing. In light of this, closing cases within the sector's standard time limit of three months, or a success parameter of employment, is not



conducive to both the level of support and the kind of quality support that Muslim women require in their settlement journey. These metrics for success do not reflect the reality of a successful support period – one that may have a heavy and ongoing time commitment, but which is responsive to clients' most pressing and immediate needs. This similarly applies to Muslim women attending English courses and being mandated as a condition of receiving ongoing social security payments.

The focus on language, education, and employment is likewise not conducive to the lives of many Muslim women, particularly those with children who have responsibilities and needs related to parenting and other types of primary caregiving. Settlement services require flexibility to support clients in an intersectional and trauma-informed way. This includes allowing clients to access services on the basis of need, even when that need exists beyond the five years since their arrival in Australia. An intersectional approach also involves services that cater to the whole family unit, rather than a disjointed model of individual support for each person. Mechanisms for referral to additional culturally appropriate mental health and family violence support should also be a key component of settlement services. Of the 182 clients AMWCHR supported in the 2021-22 financial year, 37 were referred to our family violence service. Fortunately, the AMWCHR is supported by state bodies and structured to allow for cross-referral for specialised family violence casework, but for many organisations, this is not the case. There is a pressing need for a strong network of specialised services that support people on humanitarian visas in a way that speaks to their physical, material, and emotional needs in a culturally relevant and sensitive strengths-based way.

In preparation for an increase in the size of the HP, as well as to support people who have already been granted protection and require services in the immediate term, **it is the AMWCHR's recommendation that:**

1. The orientation services offered under the HSP be broadened to involve more intensive and practical one-to-one support that effectively prepares individuals to navigate Australia's systems and services. These services should be delivered by community-led organisations with high levels of cultural competency.
2. The Settlement Client Services funding conditions be loosened to allow the delivery of more flexible and individually tailored services that support a person-centred approach rather than a metric approach to better support the complex and unique needs of individuals. Support should be accessible on the basis of need and not the basis of time since arrival in Australia.
3. Settlement services be expanded to include support for the family as a unit in a culturally meaningful way.
4. AMWCHR would support a National Strategy to ensure a holistic approach is taken to addressing settlement services and referral pathways to additional support that ensures any service delivery gaps are addressed through a cross-sector and intersectional way.

Regional and outer metropolitan settlement

In recent years Australia's HP has emphasised settlement in rural and regional areas. While many migrants will enjoy full and rich lives in regional Australia, adequately resourcing and preparing these areas to service recent arrivals under the HP is paramount. The AMWCHR is concerned that the



emphasis on settling humanitarian entrants in regional locations is being done without such preparation, leaving people with limited access to services related to settlement, basic needs, and family violence. This service gap places these individuals at risk of family violence, isolation, and physical and mental health issues and ultimately hampers successful settlement. This is a similar issue for migrants in outer metropolitan areas, where like in regional and rural areas, there exists a lack of public transport, housing, and access to basics including groceries. Without appropriate community support systems in place, people being settled in regional and outer metropolitan locations are particularly prone to isolation. The service gap that already exists in regional areas for people impacted by family violence is even more pronounced for migrant Muslim women, as access to culturally appropriate services is limited or non-existent. As there are particular risks associated with both the kinds of abuse migrant Muslim women experience, as well as risks associated with the isolation that can be common amongst recent arrivals to Australia, the need for specialist family violence services working alongside settlement services in regional and outer metropolitan areas is essential.

To decrease the risks of isolation, mental health issues, and family violence for humanitarian entrants settled in regional areas, **it is the AMWCHR's recommendation that:**

1. Regional, rural, and outer metropolitan locations be equipped with settlement services prior to increasing settlement in these areas, and that established specialised organisations including the AMWCHR be funded to deliver these services to regional and outer metropolitan areas to service Muslim women and their families.
2. The service gap for family violence support and mental health support be filled with specialised, culturally literate services with existing capability and experience to cater to the unique needs of people on humanitarian visas.
3. There be an increase in investment into appropriate housing infrastructure to decrease housing instability and increase access to basic needs.

Settlement assistance

The Community Refugee Integration and Settlement Pilot (CRISP) has some promising components and taking advantage of existent community support through this program has the potential to provide good outcomes for new arrivals. However, in its current form, rather than foster meaningful connection with the community, CRISP – even as a pilot program, seems high-risk in that it has the potential to isolate humanitarian entrants further. For AMWCHR to endorse such a program, we suggest consideration be given to the following components of the pilot:

Training and preparation of the Community Support Groups

AMWCHR has been informed by Community Refugee Sponsorship Australia (CRSA) that the Community Support Groups (CSGs) under the CRISP are intended to function as a replacement for the HSP. It is our understanding that these CSGs are made up of individuals from the community who have volunteered their time to supporting un-linked refugees arriving in Australia under the



program. This includes providing assistance with accessing housing, Centrelink, employment, and improving English proficiency. This raises questions about the training that individuals involved in a CSG are offered. The role that CSGs play in supporting individuals through their settlement is a service that would otherwise be provided by organisations and individuals with highly specialised training and extensive experience. Replacing the role of caseworkers and settlement support workers with community members who have no experience in providing this very specific kind of support is high risk with the potential for cultural exclusion, exploitation, discrimination, racism, and the resulting negative mental health impacts and community isolation.

This risk is further compounded for Muslim women, who require specialised and culturally safe services to support them through their settlement. This type of support requires skills that ordinary individuals do not hold and which cannot be taught over a short period. Although building community support systems for people on humanitarian visas has the potential to produce good outcomes for refugees and their communities, these programs should be done in conjunction with, rather than in lieu of, specialised support from trained professionals. Representations from Minister Giles at the community roundtable consultations indicated this would be done *in addition* to the existing HSP but the details were not clear. Before AMWCHR could endorse this approach further information is sought.

Fundraising and resourcing of Community Support Groups

The estimated fundraising requirements for successfully supporting an individual or family through the CRISP range from \$3,000 - \$14,000 for individuals and up to \$32,000 for a family. AMWCHR has been made aware that many members of existing CSGs have secured the required funds and resources through allocating personal assets – money, housing, cars, etc. – for use by the individual or family that they are supporting under CRISP. This is a prohibitive level of financial commitment for the vast majority of people and restricts involvement in CRISP to people with the means to support an individual or family materially and financially for a number of weeks or months. We are concerned that this restriction of involvement to those with significant economic means will leave CSGs comprised of individuals without a level of experiential understanding of the economic hardship that goes along with resettlement. The underrepresentation of Muslim communities in these higher income brackets will likely impact the number of Muslim and culturally diverse individuals involved in CSGs (Hassan, 2018 p. 30). The result of this will be refugees who already lack community ties being further isolated from their cultural, religious, and linguistic communities. Involvement of diverse communities in CRISP and associated CSGs is integral to their success. Adequately resourcing the CRISP and removing the onus on CSGs to fundraise many thousands of dollars will encourage involvement from a wider range of individuals, ensuring that refugees are being supported by a range of individuals with diverse skills, backgrounds, and life experiences. Minister Giles mentioned fees would be reduced significantly but we are waiting revised payment schedules from the department.



Oversight of the CRISP

To ensure that the people supported through the CRISP are being provided with effective and meaningful assistance, a high level of oversight and assessment is required, particularly as CSGs employ individuals with no specialised training in settlement support. To speak to the level of oversight and assessment of the CRISP, AMWCHR requires clarity on the following:

1. What level of oversight and support does Community Refugee Sponsorship Australia (CRSA) provide to CSGs?
2. How does CRSA ensure that CSGs are providing meaningful support to the individual or family they are paired with?
3. How does CRSA assess and measure cultural literacy of individuals involved in CSGs?
4. How can a person who is being provided with settlement support visa the CRISP give feedback on their CSG? What recourse do they have if something goes wrong?

Without clearly articulating and communicating policies and procedures related to the above points to all involved in the CRISP, there is a potential for isolation, exploitation, and negative impacts on the physical and mental wellbeing of those being supported under the pilot.

In addition to the above questions and concerns related to the CRISP, we wish to highlight the impacts of the current restrictions on accessing settlement support for those on bridging visas, and how this relates to Australia's obligations to uphold the rights of the people living within our borders. Many people currently on bridging visas awaiting permanent protection visas in Australia do not have access to settlement support, Centrelink, Medicare, or hold work or study rights. The restrictions placed upon people on these restricted visa subclasses impact significantly on their ability to enjoy basic human rights. Australia has obligations as a party to the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) to protect the economic, social, and cultural rights of all people in Australia (AHRC, 2013 p.3). This commitment includes upholding:

- The right to work;
- The right to social security;
- The right to an adequate standard of living; and
- The right to physical and mental health.

Without access to work, education, Centrelink, and Medicare, around 31,000, are effectively in a holding pattern where they are neither supported nor permitted to support themselves. People on these visa subclasses are unable to work, unable to study, and unable to access government support. These restrictions not only place people on bridging visas at high risk of poverty, housing insecurity or homelessness, but also severely impact people's physical and mental wellbeing. This is both a result of restrictions that do not consider the rights and needs of people on these visas, but it also relates to the aforementioned issue of visa processing times. There is a pressing need to assess cases and grant visas in a timely manner to ensure that individuals are not left unable to access support and assistance or obtain the employment that they require to support themselves and their families. In the interim, people on bridging visas must have the ability to work, access social support systems, and engage in education.



It is AMWCHR's recommendation that:

1. The CRISP works in conjunction with existing support services for migrants that employ specially trained professionals.
2. The CRISP be adequately resourced to expand involvement in CSGs to a diverse range of people.
3. The Department and CRSA provide transparency on how they will oversee the CRISP and CSPs, including on assessment procedures, gathering feedback from clients, and avenues for reporting problems that arise.
4. Individuals on bridging visas be given access to the same supports provided to those who have already been granted protection visas. In particular, that these individuals be given access to Centrelink, Medicare, HECs, and employment opportunities.

Supporting clients' basic needs

Due to changes in federal government funding structures, there has been a shift within the sector towards delivering services that prioritise the Three Es – employment, education, and English. Although these are an important focus for new arrivals, we believe that this focus should be in addition to rather than in lieu of services that cater to basic needs.

The emphasis on employment in particular has changed the way that services are delivered to clients across the settlement services sector. Settlement services are facing pressure to provide employment-related services, even when employment-related support is not what our clients are most in need of. This is demonstrated by the relatively small number of clients who are referred to AMWCHR for reasons related to employment, as well as the number of clients who have succeeded in finding full-time employment. Of the 182 people who were referred to AMWCHR's settlement services in the 2021-22 financial year, only six were referred for assistance in finding employment. The majority of our clients are referred to our service for advocacy and advice, family violence, and support related to accessing basic needs including financial hardship and parenting related issues.

The low number of people accessing our services for employment and the high number of people engaging with us for financial and material aid related to basic needs is demonstrative of the priorities of people who have recently been settled in Australia under the HP. We are supporting clients with the basics of form filling and resume writing, on top of essential needs related to food and housing. The level of English proficiency required to access employment in Australia is a level that is built up over years, not months. Clients in the initial stages of settlement are not ready to seek employment and the disproportionate focus on the employment metric of success diminishes our ability to support clients through services most relevant to their needs.

In all our services at the AMWCHR we employ a trauma-informed approach to supporting our clients. It is our view that focussing on these basic needs and supporting people on humanitarian visas to settle into Australia without the heavy pressure to learn a new language and find employment in the first six months of arrival will allow for successful settlement in the long term.



To improve the delivery of needs-based and trauma-informed services that support people who have recently arrived in Australia under the HP, **it is the AMWCHR's recommendation that:**

1. That there be increased focus and funding dedicated to supporting people to secure basic needs as the primary focus of settlement.
2. That there be increased investment in housing and food aid to support people in the period after their arrival.



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