Introduction

The Australian public is invited to provide their views on the management and composition of the Humanitarian Programme (the Programme) for 2017–18.

The Australian Government recognises the importance of engaging with the community to ensure continued support for the Programme, and each year seeks the views of the Australian public on the Programme.

The Government also consults with:

- state and territory governments and Commonwealth agencies
- peak refugee and humanitarian organisations
- the United Nations High Commissioner for Refugees (UNHCR) through consideration of advice on global resettlement needs and priorities.

In planning the Programme, the Government also considers Australia’s capacity to facilitate the entry and settlement of humanitarian entrants to ensure they are successfully integrated into our society.

This paper provides background information to help inform written submissions. It includes an overview of the international context in which the Programme operates and information on its key features.

If you would like to make a written submission on Australia’s 2017–18 Humanitarian Programme, please email it to:

humanitarian.policy@border.gov.au

All submissions should be received by 19 May 2017. Submissions received after this deadline may not be considered.
Global displacement – the international context

UNHCR estimates that by the end of 2015, 65.3 million individuals were forcibly displaced worldwide as a result of persecution, conflict, generalised violence or human rights violations. Of this group, 21.3 million people were refugees, 40.8 million were internally displaced, and close to 3.2 million were asylum seekers.

Role of the UNHCR

UNHCR is the organisation mandated by the United Nations (UN) to lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee situations.

UNHCR promotes three durable solutions for refugees:

- voluntary return to country of origin in conditions of safety and dignity
- local integration in the countries of first asylum
- resettlement, where local integration or voluntary return are not viable options.

In 2016, UNHCR assessed that 1.15 million refugees (or less than 2 per cent of the total population of displaced people) are in need of resettlement.

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Resettlement involves the identification, selection and moving of refugees and others in humanitarian need from a country in which they have sought protection to a third country (such as Australia) where they may settle permanently.

In addition to providing protection for the most vulnerable among the refugee population, resettlement provides a mechanism for UNHCR and the international community to establish a positive dialogue with countries who have been hosting refugees for long periods of time. This engagement supports continuing protection and access to livelihood opportunities for the remainder of the refugee population hosted by these countries. This may in turn have the effect of reducing pressures which lead to irregular migration and onward movement of people.

Resettlement is used for a number of reasons in different refugee situations, including as:

- protection for individual refugees, particularly those who are in compelling and/or vulnerable situations
- a durable solution for groups of refugees from intractable refugee situations
- a strategic tool that can be used to leverage solutions for the remaining refugee populations
- one element of a range of strategies to respond to large-scale, emergency humanitarian crises that result in large outflows and alleviate pressures on host countries, as in the case of current crises in Syria and Iraq.

**Australia’s role in international refugee protection**

There is a global humanitarian imperative to assist refugees and displaced people. Australia has a long history of partnership with UNHCR and working with other countries to ensure comprehensive solutions to resolve refugee displacement situations. This includes active participation in a number of multilateral forums. Australia also maintains a multi-year partnership with UNHCR for the delivery of humanitarian assistance. UNHCR is Australia’s primary humanitarian partner in delivering assistance to refugees and displaced people.

Two important forums are:

- **Executive Committee of UNHCR (ExCOM)** – as a long-standing member of ExCOM, which is UNHCR’s policy making forum, Australia participates every year to review and approve the agency’s programmes and budget and to discuss a range of refugee protection issues.
- **Annual Tripartite Consultations on Resettlement (ATCR)** – since the establishment of this forum in 1995, Australia has been part of key decisions around policy and procedural matters to enhance resettlement as a durable solution for refugee situations.

**September 2016 Summits on Refugees**

The Government acknowledges the complexity of refugee issues and the need to work with the Australian community and international partners to find solutions to the plight of refugees and displaced people.

In recognition of the unprecedented levels of global displacement, two high level summits in New York, the *United Nations General Assembly High Level Plenary on large movements of refugees and migrants*, and the *Leaders’ Summit on Refugees* (Leaders’ Summit) were held in September 2016.
The UN General Assembly adopted a set of commitments to enhance the protection of refugees and migrants. These commitments, known as the *New York Declaration for Refugees and Migrants* (NY Declaration), reaffirm the importance of strengthening and enhancing mechanisms to protect refugees and migrants.

In adopting the NY Declaration, Member States, including Australia have agreed to work towards adopting a Global Compact on Refugees, and a Global Compact for Safe, Orderly and Regular Migration by 2018.

The Global Compacts present an opportunity to agree on norms and mechanisms that strengthen protection, enhance responsibility sharing and promote regional cooperation in assisting refugees and displaced people. They will bring about practical measures to promote safe, regular and responsible migration, including in the Asia-Pacific.

Australia will advocate for a balance of effective humanitarian response, maintaining a focus on the root causes of displacement and political and peacebuilding interventions, and orderly migration and resettlement pathways.

At the Leaders’ Summit, the Prime Minister underscored Australia’s role in global efforts to assist refugees and announced the following commitments in relation to the Humanitarian Programme:

- maintenance of the Programme at 18,750 places from 2018–19 and thereafter, in addition to the 12,000 places committed for Syria and Iraq
- dedication of a minimum number of places over the next three years to displaced people from specific protracted situations
  - UNHCR defines a ‘protracted refugee situation’ as a refugee population of 25,000 people or more who have been in exile for at least five consecutive years
- creation of new pathways for refugees to resettle in Australia through the establishment of 1000 places under a Community Support Programme by which communities and businesses will be able to sponsor applications and support new arrivals
- the Government’s agreement to participate in a United States-led programme to resettle small numbers of refugees from Central America
- a new multi-year partnership with UNHCR, support for refugees and displaced populations in Afghanistan and Pakistan and a contribution to the UN Peacebuilding Fund.

**Australia’s role in the Asia-Pacific**

Australia is an active participant in the international protection system and leads efforts to work collaboratively with countries in the Asia-Pacific region on refugee and asylum issues. Australia has consistently and successfully advocated with countries in the region for a cooperative approach to refugee and asylum issues.

**Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process)**

Since 2002, the Bali Process, co-chaired by Australia and Indonesia, has been strengthening dialogue and practical cooperation among members on people smuggling, trafficking in persons and transnational crime.

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With 48 members at present, the Bali Process operates in a region where less than half of member countries are signatories to the *Refugees Convention*. Australia provides practical support through technical workshops and other activities and meets the operating costs of the Regional Support Office (RSO) of the Bali Process.4 The RSO facilitates capacity-building, exchange of best practices, information sharing and pooling of technical resources, and provides administrative and coordination support for Bali Process activities.

The key outcomes of the Bali Process in 2016 included:

- adoption of the Bali Declaration with members agreeing to deal with protection issues, address root causes of irregular migration, promote regular migration pathways, counter criminal networks, and address human trafficking
- establishment of a ‘Consultation Mechanism’ to allow the Co-Chairs to convene discussions on emergency irregular migration situations
- agreement by all member countries to work together to find solutions for refugees and irregular migrants, including through greater business and private sector engagement
- completion and endorsement of the Review of the Region's Response to the 2015 Andaman Sea Situation
- work to implement the Review recommendations, including establishment of a new Task Force on Planning and Preparedness to enhance coordination among operational agencies in the region, and
- delivery of a range of practical activities by the RSO including an event, which brought together government, private sector and civil society representatives to focus on identifying innovative regional solutions which provide refugees with access to legal and legitimate labour market opportunities whilst durable solutions are being pursued.

Bali Process priorities for the next two years include:

- launching a Business Forum to bring together Bali Process ministers and private sector leaders from the region to consider ways to prevent and combat trafficking and slavery
- improving the region's preparedness for irregular migration events, including by enhancing coordination between operational agencies in the Task Force on Planning and Preparedness
- expanding safe and legal migration pathways
- returns and reintegration
- cross-border operations to tackle criminal syndicates5.

**Association of Southeast Asian Nations (ASEAN)**

ASEAN is an inter-governmental arrangement formed in 1976 and comprises 10 Southeast Asian countries with a total population of 620 million and GDP of around US$2.5 trillion. ASEAN promotes political, economic and social cooperation in the region.6

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Australia is a Dialogue Partner with ASEAN on immigration matters and the Department works closely with ASEAN immigration agencies. This collaboration promotes effective border and migration management to address shared regional issues, including irregular migration and transnational crime.

Australia’s role as a resettlement country

Only around 30 countries offered resettlement places through the UNHCR system in 2015. Of this number, around eleven countries resettled 500 or more refugees referred by UNHCR. Australia consistently ranks among the top three permanent resettlement countries, along with Canada and the United States, which offer around 80 per cent of the world’s resettlement places each year.

Resettlement in Australia began in 1947 with the resettlement of people who had been displaced by World War II. By mid–2016, Australia had resettled more than 840,000 people from different countries.

Over the years, the Humanitarian Programme intake has been drawn from a range of nationalities, ethnic and religious groups, reflecting global displacement arising from conflict and persecution. A short history of the Programme is at Attachment A.

The Humanitarian Programme

The Humanitarian Programme (the Programme) comprises the offshore resettlement (for people outside Australia) and onshore protection (for people inside Australia) components.7

The Programme:

- provides permanent resettlement to those most in need, who are in desperate situations overseas, including in refugee camps and protracted refugee situations
- reunites refugees and people who are in refugee-like situations overseas with their family in Australia
- uses resettlement strategically to help stabilise refugee populations, reduce the prospect of irregular movement from source countries and countries of first asylum, and support broader international protection
- meets Australia’s protection obligations.

The fundamental feature of the Programme is its flexibility and responsiveness to changing global resettlement needs.

Each year the Government determines the number of places under the Programme. The numbers in the offshore/onshore components are determined by Government, reflecting global resettlement need and the demand for permanent Protection visa grants onshore.

In 2016–17, the Programme is 13,750 places comprising:

- a minimum of 11,000 places for people offshore (including 1200 places for vulnerable women and children)
  - focused on the priority regions of Middle East, Asia and Africa and resettling among others, Syrians, Iraqis, Myanmarese, Afghans and Congolese
- the balance of places for people onshore who have arrived in Australia lawfully.

In 2017–18, there will be a minimum of 16,250 places, and the Programme will increase to 18,750 places in 2018–19.
- The 2018–19 offshore component of the Programme is expected to represent Australia’s largest intake in 30 years.

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On 9 September 2015, the Australian Government announced that it would make an extra 12,000 places available in response to the conflicts in Syria and Iraq. These 12,000 places are in addition to the planned increases to Australia’s Humanitarian Programme.

In September 2015, the Australian Government announced an additional 12,000 Humanitarian Programme places for people displaced by conflicts in Syria and Iraq. Humanitarian visas for all 12,000 have now been granted.

- these 12,000 places were in addition to places available to Syrians and Iraqis under Australia’s existing Humanitarian Programme
- priority for the 12,000 additional humanitarian places was given to people displaced by conflict in Syria and Iraq who were:
  - assessed as being most vulnerable: persecuted minorities, women, children and families with the least prospect of ever returning safely to their homes
  - located in Lebanon, Jordan and Turkey.

In addition to resettling Iraqi and Syrian refugees, the Government is providing multi-year assistance to those affected by the conflict. This includes humanitarian assistance and protection services for people in Syria and neighbouring countries, and support to the governments of Jordan and Lebanon to improve access to education and livelihood opportunities for refugees and local populations.
The offshore component offers resettlement in Australia for people overseas who are in the greatest need of this durable solution and has two categories:

- **Refugee Category**

The Refugee category assists people who are subject to persecution in their home country and for whom resettlement in Australia is the best durable solution.8

Not all refugees are in need of resettlement. In assessing whether a refugee is need of resettlement to a third country, UNHCR undertakes an assessment of their particular circumstances. Refugees are assessed as being in need of resettlement when they face particular risks in the country from which they have fled or if they have particular needs or specific vulnerabilities. This may include survivors of violence or trauma and women and girls who face particular risk as a result of their gender.

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The Refugee category has four subclasses:

- Refugee visa (subclass 200) – for people who have fled persecution and are living outside their home country
- In-country Special Humanitarian visa (subclass 201) – only a small number of visas are granted under this subclass for people living in their home country who are subject to persecution
  - this subclass covers Afghan Locally Engaged Employees (and their dependents) at risk of harm due to their connection to the Australian Government mission in Afghanistan
- Emergency Rescue visa (subclass 203) – only a small number of visas are granted under this subclass for people outside their home country who are in urgent need of protection because there is an imminent threat to their life and security
- Woman at Risk visa (subclass 204) – for women and their dependents subject to persecution in their home country or registered as being ‘of concern’ to UNHCR and without the protection of a male relative.

Special Humanitarian Programme (SHP) Category

The SHP category (subclass 202) is for people outside their home country, subject to substantial discrimination amounting to a gross violation of human rights and with family or community ties to Australia.9

Applications for SHP visas must be accompanied by a proposal from an eligible Australian citizen or permanent resident, an eligible New Zealand citizen, or an organisation operating in Australia. If the SHP application is successful, proposers help the applicant pay for their travel to Australia and assist with their accommodation and initial orientation in Australia.

The limited number of SHP places available and the high demand for places means that not everyone is accepted. Priority is generally given to applicants with close family members in Australia.

Community Proposal Pilot

In 2013, the Community Proposal Pilot (CPP) was established. More than 1200 visas have been granted under the CPP since then.10 The CPP aims to strengthen Australia’s commitment to assisting refugees by providing an additional resettlement pathway for people in humanitarian situations outside Australia.

The CPP prioritises individuals and families in humanitarian situations offshore who have established community links in Australia. Applicants under the CPP are required to meet standard criteria for a humanitarian visa, including health, character and security requirements.

The Department has appointed five Approved Proposing Organisations (APOs) which are responsible for lodging humanitarian visa applications on behalf of individuals or organisations and ensuring that costs are paid.11

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The individual or organisation which has proposed the applicant is responsible for providing funding for the costs which include:

- Visa application charges
  - first stage: when application lodged
  - second stage: just prior to visa grant
- Medical checks for applicants
- Airfares to Australia
- Accommodation
- Initial household costs such as goods, food and utilities connection
- Administrative fees of APO (may include a bond)

In September 2016, the Prime Minister announced the establishment of the Community Support Programme.

**Onshore component of the Humanitarian Programme**

Since September 2013, the onshore component of the Programme has been reserved for people who arrive lawfully in Australia and are found to engage Australia’s protection obligations because they are either found to be a refugee, or meet the complementary protection criteria and are granted a Permanent Protection visa pursuant to the *Migration Act 1958*.

Permanent Protection visa applications are assessed on a case-by-case basis, with reference to detailed and current information on conditions in the applicant’s country of nationality, or country of former habitual residence if they do not have a nationality.

The complementary protection assessment takes into account Australia’s obligations under other human rights treaties to which Australia is a party, namely the *International Covenant on Civil and Political Rights* (ICCPR) and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT). An applicant must also satisfy health, character and security criteria in order to be granted a Permanent Protection visa.

**Protection visas granted outside the Programme**

The Government re-introduced Temporary Protection visas (TPVs) and introduced Safe Haven Enterprise visas (SHEVs), as part of the Government’s border protection strategy to combat people smuggling and discourage people from taking dangerous voyages to Australia. Illegal maritime arrivals and unauthorised air arrivals who are found to engage Australia’s protection obligations might be eligible to be granted a TPV or SHEV. These grants are not counted towards the Programme.

**Settlement assistance to Humanitarian Programme entrants**

The Australian Government delivers support to humanitarian entrants, including refugees and other migrants through settlement services. The aim of these settlement services is to enable the participation of new arrivals as quickly and as fully as possible in Australian society and economy. These services are administered by the Australian Government and delivered by the non-government sector on behalf of the Government.
The Department of Social Services (DSS) is responsible for delivering settlement services, and the DSS website provides further information about settlement services, including the Adult Migrant English Program, which is administered by the Department of Education and Training.12

Humanitarian entrants have access to a range of support as they begin a new life in Australia. This support includes the Humanitarian Settlement Services (HSS) Programme which provides early practical support to help new entrants settle into the community. It operates through an integrated case management approach assessing individual settlement need and providing support to build independence of clients in the first 6–12 months of their arrival. Mainstream services are provided by all levels of government.

**Future developments**

*Community Support Programme*

In September 2016, the Prime Minister announced the creation of new pathways for resettlement in Australia through the establishment of 1000 places under a Community Support Programme by which communities and businesses will be able to sponsor applications and support new arrivals.

The Department is seeking views on how best to harness the willingness and capacity of business and community groups to contribute to resettlement.

*Global Compacts on migrants and refugees*

Australia joined UN Member States in adopting the *New York Declaration for Refugees and Migrants* (NY Declaration) in September 2016, Australia is committed to adopting Global Compacts on:

- responsibility sharing for refugees, and
- safe, orderly and regular migration.

The Department is seeking views to shape Australia’s contribution to the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration. We are interested in contributions towards developing innovative and practical ideas that support responsibility sharing. The Department is also interested in action that can advance a regional approach to displacement issues.

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Questions

Please provide your views to inform the management and composition of Australia’s Humanitarian Programme.

1. In the global context, there are large numbers of people in need of resettlement and limited places available in Australia. What should Australia’s priorities be for accepting refugees and humanitarian entrants, including those in protracted situations?

2. What can the Australian Government do to encourage involvement from the private, educational and community sectors to assist humanitarian entrants to secure stable employment and achieve self-sufficiency?

3. Do you have other comments on the offshore component of the 2017–18 Humanitarian Programme?
**History of refugee settlement in Australia**

Australia has been resettling refugees for over a hundred years. Groups include:

- in the 19th century, Lutherans, Hungarians, Italians and Poles came to Australia to escape persecution
- during the early 20th century, small numbers of Russian, Greek, Armenian, Assyrian and Jewish refugees resettled in Australia
- between 1933 and 1939, more than 7000 Jews fleeing Nazi Germany were resettled in Australia
- between July 2015 and March 2017, 11,464 Iraqis and 10,329 Syrians were resettled in Australia

**Short History of the Humanitarian Programme**

Resettlement programmes in Australia began in 1947, with the resettlement of people displaced by World War II. They include:

- 1947-1954 – 170,000 Eastern Europeans displaced during World War II
- mid 1950s-late 1960s – thousands of refugees from crises in Europe, including the Hungarian uprising and the Warsaw Pact military intervention in Czechoslovakia
- early 1970s – more than 16,000 people from Central and South America following political turmoil in their countries
- 1975 – around 18,000 Lebanese displaced by civil war
- 1975-1996 – 150,000 Indochinese (Lao, Cambodian and Vietnamese) refugees sparked by the end of the Vietnam War;
  - this included over 19,000 Indochinese refugees resettled under the Comprehensive Plan of Action, (1986-1996), for Indochinese remaining in camps in South East Asia, with Australia one of four significant resettlement countries
- since late 1970s – over 90,000 refugees from the Middle East and South West Asia
- since late 1980s – around 70,000 refugees from the Africa region.

**1981**

The Special Humanitarian Programme (SHP) was introduced for people who, while not identified as refugees, were living outside their home country and were subject to substantial discrimination amounting to a gross violation of human rights in their home country and had family or community ties to Australia.

**Mid-1980s**

The Programme had a global focus, with priority given to applicants who had family or other close links to Australia. The Programme also included up to 40 nationalities, including people from Eastern Europe, Latin America and the Middle East and Asia.

**Late 1980s**

The Woman at Risk and Emergency Rescue visa provisions were introduced.
1991

The Special Assistance Category (SAC) was introduced for groups of people with close links to Australia who were in vulnerable situations but whose circumstances did not fit into the traditional humanitarian resettlement criteria. SACs were introduced for groups such as Soviet minorities, East Timorese, citizens of former Yugoslavia, Burmese, Vietnamese, Cambodians, Sri Lankans and Sudanese.

1993

In 1993, the Government separated the Programme from the Migration Programme to provide a better balance between Australia’s international humanitarian objectives and the domestic, social and economic goals of the Migration Programme.

Late 1990s and early 2000s

Europe was the largest source region for the Programme with around half of all those resettled between 1998 and 2001 coming from the former Yugoslavia. During the same period, the proportion of resettlement from Africa increased from around 16 per cent in 1998 to a peak of 70 per cent between 2003 and 2005.

Since 2004

Asia has been a key focus of the Programme, with the resettlement of some 18,000 refugees from Burma (Myanmar) including those in refugee camps along the Thai-Burma border, in Malaysia and in India.

Recent years

The Middle East and South West Asia have been focus regions of the Programme recently. Significant numbers of people from these regions continue to be in need of resettlement due to ongoing conflicts, primarily in Afghanistan and Iraq, and more recently in Syria.

Resettlement from this region has increased from an average of around a third of the Programme from 1998 to 2009 to over half of the Programme since 2012–13.
Outcomes of the 2015–16 Humanitarian Programme

In 2015–16, a total of 17,555 visas were granted under the Programme. This included 2003 grants under the onshore component and 15,552* grants under the offshore component. In the offshore component, 8284* (53 per cent) were Refugee visas and 7268* (47 per cent) were SHP visas.

In 2015–16, 1277 Woman at Risk visas were granted. This included visas granted under the annual offshore Humanitarian Programme, and those granted towards the additional 12,000 places for Syrians and Iraqis. The top countries of birth for this programme year were Iraq and Syria, followed by Afghanistan, the Democratic Republic of the Congo and Myanmar.

The Community Proposal Pilot (CPP) programme commenced on 1 June 2013. The first visa applications in the CPP were lodged in October 2013, and the first visas were granted in February 2014.

Table 1 – Humanitarian Programme outcomes by component and category 2015–16

<table>
<thead>
<tr>
<th>Component</th>
<th>Visa category</th>
<th>Visa grants</th>
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<tbody>
<tr>
<td>Offshore</td>
<td>Refugee</td>
<td>8,284</td>
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<tr>
<td></td>
<td>SHP</td>
<td>7,268</td>
</tr>
<tr>
<td></td>
<td>Sub-total</td>
<td>15,552</td>
</tr>
<tr>
<td>Onshore</td>
<td>Protection (permanent)</td>
<td>2,003</td>
</tr>
<tr>
<td></td>
<td>Sub-total</td>
<td>2,003</td>
</tr>
<tr>
<td><strong>Total Programme grants 2015–16</strong></td>
<td></td>
<td><strong>17,555</strong></td>
</tr>
</tbody>
</table>

For more information on the Humanitarian Programme see the Department’s fact sheet Australia’s Refugee and Humanitarian Programme.
Onshore/offshore balance within the Programme

Since September 2013, the onshore component of the Humanitarian Programme has been reserved for people who arrive lawfully. Temporary protection visas granted to people who arrive illegally in Australia are not included within the Humanitarian Programme.

A flexible programme

The Programme operates flexibly to respond effectively to evolving humanitarian situations and global resettlement needs. The table and figures below illustrate the shifting composition of the Programme over past years.

Table 2 – Top nationalities\textsuperscript{13} within the offshore component 2011–12 to 2015–16

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<tbody>
<tr>
<td>1</td>
<td>Myanmar</td>
<td>Iraq</td>
<td>Afghanistan</td>
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<td>2</td>
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<td>Myanmar</td>
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<tr>
<td>4</td>
<td>Bhutan</td>
<td>Bhutan</td>
<td>Syria</td>
<td>Afghanistan</td>
<td>Afghanistan</td>
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<tr>
<td>5</td>
<td>Ethiopia</td>
<td>Congo (DRC)</td>
<td>Bhutan</td>
<td>Congo (DRC)</td>
<td>Congo (DRC)</td>
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<tr>
<td>6</td>
<td>Congo (DRC)</td>
<td>Iran</td>
<td>Iran</td>
<td>Eritrea</td>
<td>Bhutan</td>
</tr>
<tr>
<td>7</td>
<td>Eritrea</td>
<td>Somalia</td>
<td>Congo (DRC)</td>
<td>Bhutan</td>
<td>Somalia</td>
</tr>
<tr>
<td>8</td>
<td>Iran</td>
<td>Sudan\textsuperscript{15}</td>
<td>Eritrea</td>
<td>Iran</td>
<td>Iran</td>
</tr>
<tr>
<td>9</td>
<td>Somalia</td>
<td>Eritrea</td>
<td>Somalia</td>
<td>Somalia</td>
<td>Ethiopia</td>
</tr>
</tbody>
</table>

\textsuperscript{13} Nationality is based on country of birth. The country of birth of principal visa applicants is applied to secondary visa applicants.

\textsuperscript{14} Congo (DRC) refers to the Democratic Republic of the Congo.

\textsuperscript{15} ‘Sudan’ refers to people from both Sudan and South Sudan.