



Evaluation of Government Funded Assistance

Department of Home Affairs

Evaluation Report

September 2018

Final Report

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*



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Glossary

The glossary below sets out abbreviations and definitions, including those specific to the Immigration Advice and Assistance Scheme and the Primary Application Information Service, so that these terms are used consistently throughout this report.

Term	Definition
Eligible recipient	An illegal Maritime Arrival that is eligible for either IAAAS C (Full or partial) or PAIS advice and assistance.
FOI	Freedom of Information.
FVEY	The Five Eyes, is an intelligence alliance comprised of Australia, Canada, New Zealand, the United Kingdom and the United States of America.
IAAAS	Immigration Advice and Assistance Scheme.
IAAAS Cat C	IAAAS Category C.
IAAAS Category C	A targeted cohort of IMAs who were invited to lodge an application before 1 Oct 2017.
IMA	Illegal Maritime Arrival; a person who has entered Australia via boat outside of Australian law.
IMA Legacy Caseload	IMAs who entered Australia via boat outside of Australian law and have not lodged an application for protection in Australia, or who have lodged an application for protection which is being processed.
Non-IAAAS Cat C	An IMA who was eligible to receive IAAAS Category C support, however did not take up the support.
Non-PAIS	An IMA who was eligible to receive PAIS support, however did not take up the support.
PAIS	Primary Application Information Service.
Program Logic	A visual representation of how a program operates with defined needs, inputs, activities, outputs, outcomes and assumptions.
SHEV	Safe Haven Enterprise Visa.
The Department	The Department of Home Affairs.
TPV	Temporary Protection Visa.
UAA	Unlawful Air Arrival.

Executive Summary

In 2018, the Department of Home Affairs (the Department) engaged KPMG to undertake an independent evaluation of the arrangements under two funded migration assistance schemes, Immigration Advice and Assistance Scheme (IAAAS) Category C, and Primary Application Information Service (PAIS). The evaluation involved reviewing the programs' effectiveness, efficiency and overall value in providing advice and assistance to Illegal Maritime Arrivals (IMAs), and the extent to which this assistance has been associated with a reduction in the size of the IMA Legacy Caseload.

Evaluation objective

The overall purpose of the evaluation was to investigate key issues relating to program implementation and service delivery, and to help inform the policy and program development of future schemes.

The focus of the evaluation was to evaluate the effectiveness, efficiency and overall value of service arrangements delivered under PAIS and IAAAS Category C programs to resolve the IMA Legacy caseload.

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Evaluation limitations

There were a number of limitations and challenges with the evaluation:

- The evaluation did not seek to interview IMA recipients, nor was any analysis conducted on IMA applications and protection claims. Observations reported are from the perspective of those responsible for the management of the program (the Department) and those responsible for service delivery (providers).
- Contract Managers were unable to be consulted for the purposes of this evaluation, as they had moved on from their roles with both programs. This may potentially limit findings attributed to service delivery and performance.
- There were limitations to data access and availability which limited the strength of evidence used to describe findings in some areas.
- The take up of additional or supplementary services received by eligible IMA recipients as they progressed through the application process was not measured. The extent to which the impact of the programs evaluated includes the impact of these other supports has not been explored.

Observations

Program design

The evaluation found some evidence to suggest that the program design was appropriate to meet the need to resolve the IMA Legacy Caseload, however some gaps or weaknesses were evident. There was anecdotal evidence that:

- Services were targeted and delivered to IMA individuals who were within the IMA legacy caseload, and who were likely to have reduced capacity to lodge an application independently; and

- Departmental service administrators and service providers were equipped with suitable guidance and documentation to adequately support eligible IMAs.

Overall, from the available evidence, program design appears to be **Good**.

Governance

The evaluation found weak evidence to support the effectiveness of governance arrangements to support the delivery of both programs, however data was limited to anecdotal evidence and limited confidence can be placed on the conclusion. There was anecdotal evidence that:

- Communication and escalation channels may have been underutilised, likely due to a lack of awareness;
- Roles and responsibilities seem to have restricted collaboration and communication across the delivery network; and
- Monitoring and reporting against program objectives, service provider performance, and issues or risks associated with service delivery was not in evidence.

Overall, from the available evidence, governance appears to be **Adequate**.

Service Delivery

The evaluation found some evidence that the service provided to recipients met the overall need for the program, however some gaps or weaknesses were evident. Anecdotal evidence suggested there was:

- Limited capacity and capability of the service providers to provide the assistance;
- Limited access to required information; and
- Possible impacts from the short timeframe to lodge under the deadline.

Overall, from the available evidence, service delivery appears to be **Adequate**.

Effectiveness

The evaluation found weak evidence to support the effectiveness of service delivery. Subject to the limitations of the review, for the sample of data reviewed, the overall time between application received and the interview date was shorter where PAIS and IAAAS Category C support were provided.

Overall, based on these observations, the effectiveness of service delivery appears to be **Good**.

Overall Value

Overall, some evidence exists that the program successfully achieved its objective of resolving the IMA Legacy Caseload through providing assistance to IMAs to submit their protection claims. Stakeholders advised that the IMA Legacy Caseload has substantially reduced since the deadline to lodge was announced, and stakeholders provided consistent feedback that the provision of assistance through the programs led to valuable benefits for IMAs, supporting them through difficult administrative processes, and providing an effective mechanism for case officers to resolve issues in IMAs applications.

Overall, the extent to which the need for the program was met, and delivered outcomes that were valuable to relevant stakeholder groups (i.e. the Department, service providers and the recipients) appears to be **Good**.

1 Introduction

In 2018, the Department of Home Affairs (the Department) engaged KPMG to undertake an independent evaluation of the arrangements under two funded migration assistance schemes, Immigration Advice and Assistance Scheme (IAAAS) Category C, and Primary Application Information Service (PAIS).

The evaluation involved reviewing the program's effectiveness, efficiency and overall value in providing advice and assistance to Illegal Maritime Arrivals (IMAs), and the extent to which this assistance has been associated with a reduction in the size of the IMA Legacy Caseload.

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Background and Context

Operational Environment

The Department operates in an increasingly complex environment. Due to war, violence and persecution, the number of people seeking protection and asylum in Australia has significantly increased in the last decade. In agreement with obligations under the Refugee Convention and its Protocol, Australia is committed to sharing responsibility for protecting refugees and providing humanitarian assistance to resolve refugee situations.¹

The Department is responsible for processing applications for those wishing to visit or settle in Australia, including applications received for individuals who are seeking to engage Australia's protection obligations.

Between 2008 and 2013, approximately 50,000 IMAs arrived in Australia. This placed strain on Australia's detention and visa processing network, and increased pressure on the Government to address the issue through alternative processing regimes².

Political context and IMA Legacy Caseload

In July 2011, under the Labor Government, the Department commenced funding for Service Providers to provide immigration advice and application assistance to eligible visa applicants seeking protection in Australia via the IAAAS.

Originally IAAAS support was available to all eligible applicants seeking protection assistance irrespective of how they arrived in Australia. In 2012, the Government began to introduce several operational and administrative measures to minimise risks and deter future attempts to enter Australia illegally. Later that year, applications for protection visas were no longer processed for those who arrived by boat or plane illegally, resulting in approximately 30,000 unresolved applications. These applications are known as the IMA Legacy Caseload.

In 2014, the Coalition Government announced its commitment to resolving the IMA Legacy Caseload. To do this, selected asylum seekers would be invited by the Department to apply for a Temporary

¹ Parliament of Australia, *Asylum seekers and the Refugee Convention*, Accessed 18 September 2018, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook44p/AsylumSeekers

² Developments in Australian refugee law and policy 2010-2011, Accessed: 16 April 2018. <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Fforpub%2F1560332%22>

Protection Visa (TPV) or Safe Haven Enterprise Visa (SHEV) under the Minister's powers to 'lift the bar'. Processing of IMA protection claims recommenced in 2014 with the passing of the *Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014*, and reintroduction of TPVs³ and introduction of SHEVs.

As IAAAS support was no longer available to support IMAs with the application process, the Department introduced a new scheme, PAIS, to provide advice and assistance under new eligibility criteria. IMAs assessed as 'extremely vulnerable' were eligible for support to apply for TPVs and SHEVs⁴.

Ministerial announcement to lodge applications

In May 2017, then Minister for Immigration and Border Protection the Hon. Peter Dutton announced a deadline for IMAs to lodge an application to claim protection in Australia before 1 October 2017⁵. IAAAS Category C support was introduced to assist IMAs to lodge their application prior to the deadline.

Program Components

In order to evaluate the efficiency, effectiveness and overall value of services delivered under each scheme, it's important to understand the individual drivers behind the establishment of PAIS and IAAAS Category C funding arrangements.

Program Drivers: PAIS and IAAAS Category C

In an effort to help expedite the processing of IMA applications, PAIS was established to assist those identified as 'extremely vulnerable', whose circumstances likely made it more difficult to navigate the application process independently. Following Minister Dutton's announcement of the deadline in 2017, additional funding was provided to assist with the resolution of the IMA Legacy Caseload. Eligible IMAs were selected based on slightly different eligibility criteria, assessed as having 'significant barriers' to submitting an application.

Objective of funded migration assistance schemes

The objective of providing government funded migration advice and assistance (PAIS and IAAAS Category C) was to resolve the IMA Legacy Caseload.

This assistance was targeted at the cohort within the IMA Legacy Caseload thought most likely to benefit from advice and assistance, which would in turn lead to more timely and efficient processing of protection claims.

Eligibility criteria and service offerings

Eligibility criteria for PAIS and IAAAS Category C services was based on the individual circumstances and characteristics of people in the IMA Legacy Caseload, and reduced capacity to interact with the Department's application process without assistance and support.

PAIS eligibility criteria and assessments

IMAs who are eligible for PAIS services are able to access advice and assistance throughout the initial stages of the application process (i.e. lodgement of application and interview for protection claims). The Department assesses PAIS eligibility using the following criteria.⁶

A non-citizen who is:

³ *Developments in Australian refugee law and policy: the Abbott and Turnbull Coalition governments (2013-2016)*; Accessed 4 Sept 2018.

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1718/Australian_refugee_law_and_policy#_Toc489967328

⁴ *The Primary Application Information Service, Fact Sheet – May 2016*, Department of Immigration and Border Protection, Accessed: 16 April 2018, <https://www.asrc.org.au/wp-content/uploads/2013/07/PAIS-Fact-Sheet-May-2016.pdf>

⁵ 'Lodge or Leave – Deadline for illegal maritime arrivals to claim protection', 21 May 2017,

<http://minister.homeaffairs.gov.au/peterdutton/2017/Pages/deadline-for-illegal-maritime-arrivals-to-claim-protection.aspx>

⁶ Australian Government, Department of Immigration and Border Protection, 2015. *Operations Manual for Service Providers Under the Primary Application Information Service (PAIS)*.

- An unlawful air arrival (UAA) who entered Australia on or after 13/4/15; or
- An irregular maritime arrival (IMA) who arrived in Australia on or after 13/8/12⁷;

may be eligible for assistance under the PAIS if the non-citizen satisfies either criteria 1-3 or Criterion 4 below.

- **Criterion 1:** At the time of the relevant PAIS assessment, the non-citizen has not engaged a registered migration agent for assistance in relation to a temporary or permanent protection visa application; and
- **Criterion 2:** The non-citizen has not previously had a valid protection application considered in Australia; and
- **Criterion 3:** The non-citizen is, at the time of assessment, an adult in relation to whom the Department considers it to be in the best interests of government to provide assistance to ensure their claims are presented and able to be considered, in particular, non-citizens regarded as being 'exceptionally vulnerable'.

OR

- **Criterion 4:** The non-citizen is, at the time of assessment, an unaccompanied minor.

Additional guidance is available for assessment under each Criterion. Criterion 3 includes circumstances by which it is 'in the best interests of the government' to intervene, as those circumstances reflect a 'functional impairment' and inability to engage in the protection application process independently⁸. These include:

- Conditions affecting cognitive function;
- Mental illness/es;
- Torture and trauma;
- Incapacitating illness; and
- Difficulty completing an application form.

IAAAS Category C eligibility criteria

Following the announcement of the Minister's deadline in May 2017, additional funding was allocated to provide targeted application assistance to eligible IMAs who met the following criteria:

- Had been previously assessed as eligible for PAIS but for whatever reason disengaged in the application process;
- Had been overlooked or had since developed a significant mental or physical health barrier;
- Were recently detained or incarcerated.

Partial application assistance (lodgement only) was offered to IMAs who were in families with minor children and IMAs living in rural and regional Australia.

Program funding

The evaluation did not consider the overall program funding for PAIS or IAAAS Category C, or the cost per IMA who received assistance.

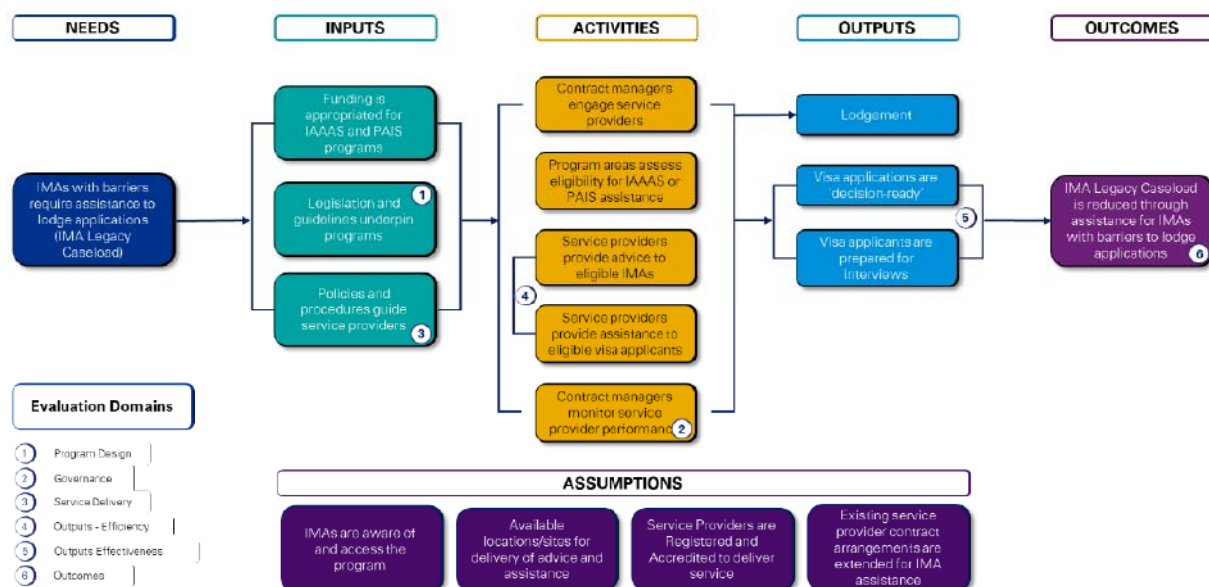
Program logic

The Program Logic is outlined in Figure 1 below, showing the relationship between the activities undertaken by those within the programs, in providing advice and assistance to eligible IMAs, and the improved quality and timeliness of applications, which ultimately supports the outcome of reducing the legacy caseload.

⁷ The scope of this evaluation only focused on IMAs, not UAAs.

⁸ Additional guidance on PAIS operational policy process, November 2015. Accessed: 16 April 2018.

Figure 1: Program Logic



Source: KPMG

2 Methodology and Approach

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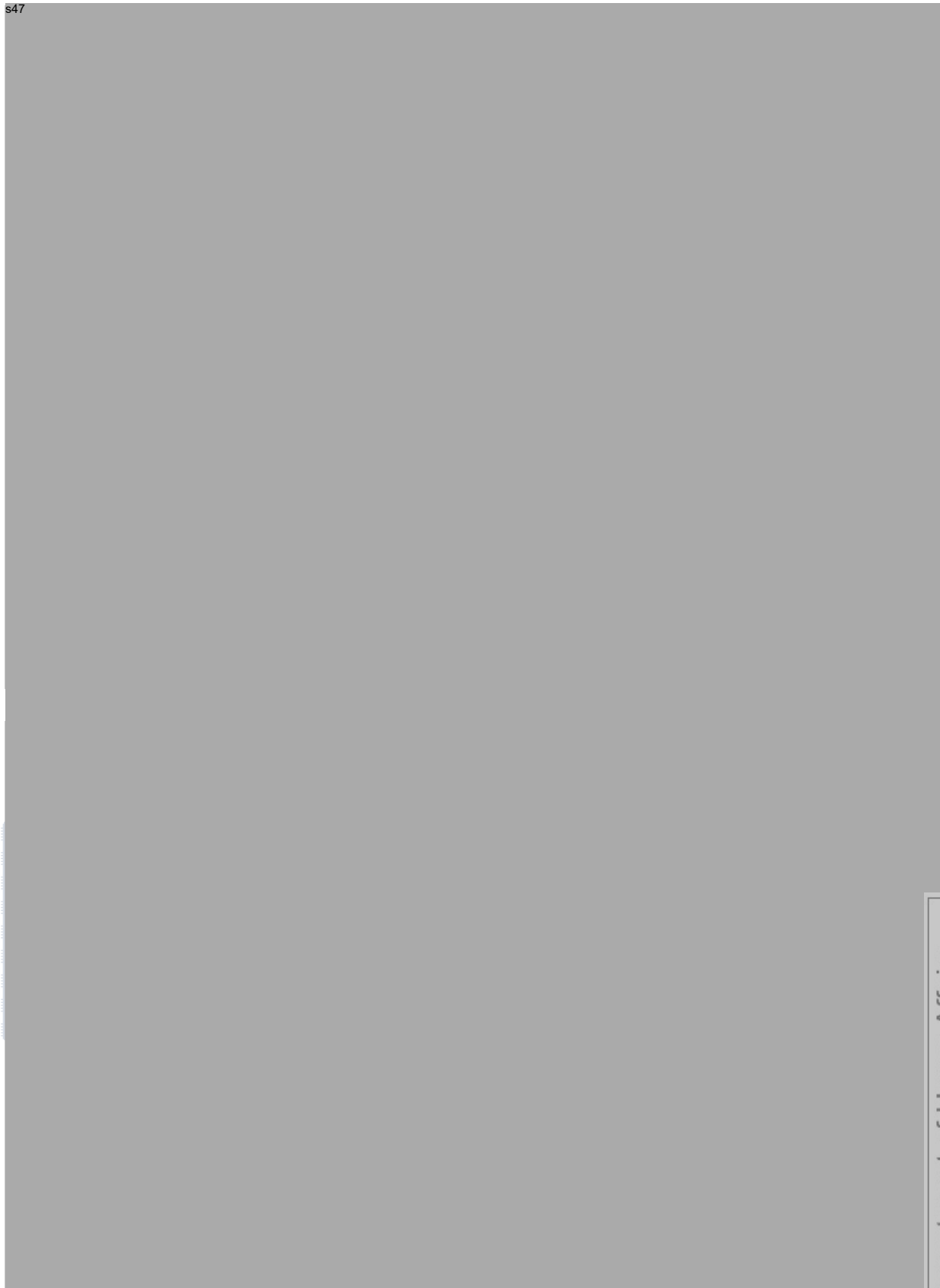
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3 Observations

Consultation feedback, document review and data analysis, where relevant, were combined to provide observations regarding the key elements of the program. The Strength of Evidence measure (Section 2.1.5.2) is used to support observations identified in this evaluation. A merit determination has been developed to provide a standard assessment framework on which to evaluate the performance of each domain. Table 3 provides the assessment framework used in Section 3.

Program design

This evaluation domain aimed to answer the overarching question: *Was the design of the program/s fit for purpose and aligned to program need?*

Many factors contribute to successful design and implementation of a program, for example that:

- Adequate review points are scheduled;
- Quality assurance measures are applied;
- Consideration has been given to what success looks like and how it will be measured;
- There are adequate approaches for estimating, monitoring and controlling expenditure of the program; and
- There are appropriate feedback loops in place.¹⁰

Overarching observations

The evaluation found **some evidence** to suggest that the program design was appropriate to meet the need to resolve the IMA Legacy Caseload as:

- Services were targeted and delivered to IMA individuals who were within the IMA legacy caseload, and who were likely to have reduced capacity to lodge an application independently; and
- Departmental service administrators and service providers were equipped with suitable guidance and documentation to adequately support eligible IMAs.

Detailed observations

Operational guidance

Operations Manuals were available for service providers to clarify policy and procedures relating to both eligible cohorts (i.e. PAIS and IAAAS Category C). Service providers consulted were satisfied with the guidance provided and reported no issues with utility or application.

Eligibility criteria

Eligibility assessments for PAIS were conducted by the Department using information captured at IMAs' initial arrival. Eligibility targeted IMA individuals who were identified as either experiencing 'significant barriers' to lodge an application, or were 'extremely vulnerable' in their functional capacity to lodge an application. This approach enabled an expedient and pragmatic assessment using current information to ensure that assistance was targeted to those most likely to avoid lodging an application, or to struggle with the lodgement process. Given the speed with which program settings needed to be in place once the Minister's announcement had been made, this appears to represent an appropriate approach. However, a number of criticisms were made by stakeholders regarding the eligibility process:

- **Definition was too 'broad'** - On the one hand, the process for assessing eligibility for assistance under the programs was pragmatic, as it relied on existing information and established mechanisms to target the program need. Consultations with the delivery network

¹⁰ Australian Government Department of the Prime Minister and Cabinet, Australian National Audit Office, 2014. *Successful Implementation of Policy Initiatives Better Practice Guide*. From <<http://nla.gov.au/nla.obj-494733031/view>>

however indicated that in practice, a number of those who received government funded migration assistance were not 'extremely vulnerable', while others who would seem to meet that definition were not picked up in the eligibility criteria.

- **Currency of information** - As processing of visa applications for IMAs had ceased in 2012, when PAIS eligibility assessments had commenced and government funded assistance had resumed in 2015, almost three years had passed. In addition, consultations with the Department indicate that the data captured upon the initial arrival into Australia was not always consistent or reliable. This meant that information used to determine eligibility of potential PAIS recipients was likely out of date, and at time inaccurate, in line with observations of service providers that the cohort receiving assistance was misaligned with actual levels of need.

Merit Determination

Based on the above evaluation of program design, the overall rating on whether the design of the programs was fit for purpose and aligned to program need was **Good** (Table 3). While there were some gaps or weaknesses in evidence, this domain of the program was generally strong.

Governance

This evaluation domain aimed to answer the overarching question: *How effective was program governance?*

Key considerations for governance include:

- Was there clarity of purpose, powers and relationships between those involved in the implementation of the initiative?
- Do the governance arrangements provide for adequate reporting and review mechanisms, including regular updates of risk assessments? ¹¹

Overarching observations

The evaluation found **weak evidence** to support the effectiveness of governance arrangements to support the delivery of both programs. Stakeholders reported:

- Communication and escalation channels may have been underutilised, likely due to a lack of awareness;
- Roles and responsibilities seem to have restricted collaboration and communication across the delivery network;
- Monitoring and reporting against program objectives, service provider performance, and issues or risks associated with service delivery was not in evidence.

Communication channels and escalation of issues

The evaluation noted that there was a policy mechanism for staff involved in the assessment of applicants' statement of claims to escalate concerns of service providers' performance. Consultations with the delivery network indicated that this was underutilised, which was likely due to a lack of awareness, and lack of collaboration across functional areas within the Department.

Performance reporting

The evaluation did not find any evidence of a formal framework to monitor performance and risks associated with service delivery. As outlined in the Operations Manuals and stakeholder consultations, service providers were referred eligible IMAs for services to be provided, and would

¹¹ Australian Government Department of the Prime Minister and Cabinet, Australian National Audit Office, 2014. *Successful Implementation of Policy Initiatives Better Practice Guide*. From <<http://nla.gov.au/nla.obj-494733031/view>>

invoice the Department upon completion of those services. There was no evidence to support a procedure by which the Department verified these payments for services for the purposes of ensuring they were delivered in accordance with policy. While this was not tested in stakeholder consultations, there is a possibility that a more rigorous performance mechanism could have influenced and improved issues relating to service delivery performance.

Merit Determination

On the basis of the above, the merit of the effectiveness of program governance was assessed as **Adequate** (Table 3), with indications that it may have had significant gaps and weaknesses.

Service delivery

This evaluation domain aimed to answer the overarching question: *How well were the needs of the IMAs met through the service delivered?*

Key considerations for service delivery include:

- Did the program have the desired impact and results for the target group?
- What factors impacted on achieving the desired service delivery?

Overarching observations

The evaluation found **some evidence** that the service provided to recipients met the overall need for the program, as the service delivery provided assistance to IMAs to submit their application and assisted with a reduction in the IMA Legacy Caseload. Some factors were identified which may have impacted on the quality of the service provided which were:

- Limited capacity and capability of the service providers to provide the assistance;
- Limited access to required information; and
- Possible impacts from the short timeframe to lodge under the deadline.

Detailed observations

Service providers were contracted to provide assistance to IMAs to assist with lodgement of their application, and where full support was provided, assist with preparing for their interview. Service providers had experience with providing migration assistance to people seeking protection in Australia prior to the implementation of these programs. Through consultations, it was demonstrated that service providers met the overall need of the IMA, by providing assistance for the IMA to submit their application, thereby reducing the IMA Legacy Caseload.

Impacts to service delivery

A number of factors impacted on the capacity and capability of service providers to provide assistance at an optimal level to the IMAs. Consultations provided the following feedback points:

- **Retention of migration agents** - Changes in legislation and policy had an impact on existing delivery structures and the demand for assistance from service providers. Where there was low or no demand required for PAIS or IAAAS support, this impacted on the ability for service providers to retain the capability to deliver these services. Where demand was increased, service providers indicated that they were required to hire and train new migration agents to assist with the caseload. This was further heightened once the deadline was introduced, as significant resources were required to provide support to IMAs prior to the deadline.
- **Allocation of the IMA Legacy Caseload** - The service providers were determined to be a 'primary service provider' or a 'contingency service provider'. Primary providers were allocated 14% of the caseload, while contingency providers were allocated 6% of the caseload. The assessment to determine primary and contingency service providers was completed on an annual basis, however a service provider indicated that this was not a transparent process. By allocating the caseload on the basis of whether they were a primary or contingent provider, the distribution of the caseload may not have been completed on the

basis of the capacity of the service provider to provide services at that time. Some providers reported that they had been stretched to their capacity, while others may have had a lot of capacity to provide services but were not receiving a sufficient proportion of the caseload.

- **Fixed fee funding model** - Service providers were compensated via a fixed fee funding model. As some applications required more intensive assistance or travel to communicate with the IMA, a fixed fee may not have sufficiently covered the time and resources required, requiring the service provider to absorb the cost. A risk with the fixed fee model is that the service provided is of lesser quality, as the service provider is unable to absorb the cost of providing the service to an optimal level.
- **Consistency of the migration agent** - There were situations where the migration agent who attended the interview with the case officer was a different person to the migration agent who prepared the application. This creates a risk that the migration agent who attended the interview may not have the required knowledge of the IMA's circumstances or background, adding to delays in the application process as errors and inconsistencies required resolution.
- **Heightened security requirements** - A service provider consulted indicated that the heightened security requirements introduced at around the same time as the deadline to lodge constrained the ability of the service provider to perform their role. For example, the inability to take laptops into interviews with the IMA, where they were located in detention centres, meant at times they were prevented from performing their role.

The service network indicated that where applications were incomplete, additional resources were required to contact the migration agent to complete the remaining components of the application, increasing the length of time of the process. Factors which may have impacted on the quality of the applications submitted were:

- **Deadline announcement** - When the deadline was announced, there was urgency for migration agents to assist the IMA to lodge their application prior to the deadline. This may have resulted in a less complete or accurate application being submitted, which could have impacted the overall timeframe for the application to be processed and an interview conducted.
- **Obtaining initial information** - When an IMA arrived in Australia, an initial interview was conducted with the IMA. Prior to the service provider completing an interview with the IMAs, the service providers indicated that they requested access to a record of this initial interview through a Freedom of Information (FOI) request. This was to ensure that they were aware of what was said to assist with preparing their application and with preparing for the interview with the case officer. A service provider indicated that early on in providing support, there were issues with obtaining these records. By not having access to these records, there was an increased chance that a post interview submission was required as the details provided may have been contradictory, or the migration agent was unaware that additional information would be required.
- **Lack of investigation** - Where there may have been a lack of investigation prior to the interview by the migration agent, this may have resulted in an increased likelihood of a post interview submission being required.

Processes to support improvement of service delivery

The Department established the Protection Process Reference Group which consisted of the service providers and representatives from the Department. The Protection Processing Reference Group was established by the Department in 2015 to fill an identified engagement gap between the Department and influential practitioners on emerging IMA Legacy Caseload practitioner issues. This group met four times per year, and acted as a feedback mechanism for service providers to the Department. Service providers found this forum to be an important function to communicate with the Department. However, due to the large caseload and short time period of the program, the forum may not have been held on a frequent enough basis to provide significant benefit to increase the communication and transparency between the Department and the service providers. Following the implementation of the 1 October application deadline, further PPRG meetings have not been progressed.

Merit determination

Overall, there is some evidence to suggest that the service delivery of the programs was **Adequate** (Table 3), but subject to weaknesses and limitations.

Effectiveness

Focus objective

A review of effectiveness involves consideration of whether the design and implementation of the program framework is leading to the desired outcomes being achieved. The review includes consideration of:

- The extent to which program arrangements (inputs, activities and services provided) improved the standard and preparedness for application process milestones, thereby reducing the application process timeframe.

This section discusses observations from the quantitative analysis undertaken.

Overarching observations

The evaluation found **weak evidence** to support the effectiveness of service delivery. Subject to the limitations of the review, for the sample of data reviewed, the overall time between application received and the interview date was shorter where PAIS and IAAAS Category C support were provided.

Detailed observations

The data analysis involved a review of 155 Permission Request ID's. The data identified those who had received support for PAIS or IAAAS Category C, and those who were eligible for the support but did not receive it, with the proportion included in the sample provided in Table 4 below.

For the purposes of the data analysis, the following categories were used:

- IAAAS Cat C: An IMA who received IAAAS Category C support.
- Non-IAAAS Cat C: An IMA who was eligible to receive IAAAS Category C support, however did not take up the support.
- Non-PAIS: An IMA who was eligible to receive PAIS support, however did not take up the support.
- PAIS: An IMA who received PAIS support.

Table 4: Sample of IMAs reviewed in the data analysis¹²

Category	Population reviewed	Number who completed a post interview submission
IAAAS Cat C	33	7
Non-IAAAS Cat C	38	6
Non-PAIS	46	4
PAIS	38	4
Grand Total	155	21

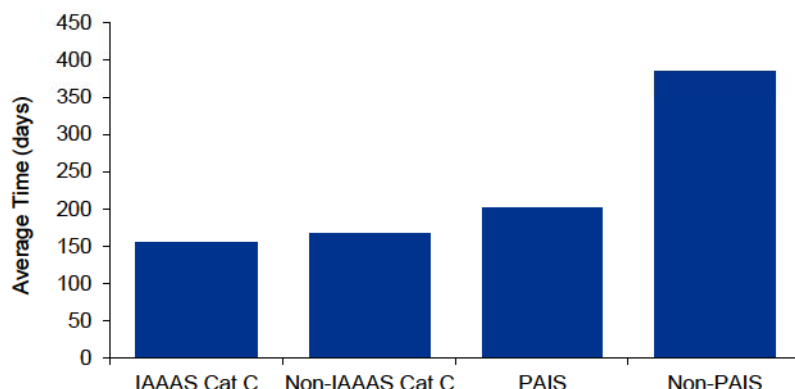
Source: Department of Home Affairs, analysed by KPMG

Figure 3 below illustrates the average time between application received and the interview date for those eligible for PAIS and IAAAS Category C, with and without support received. Subject to the limitations of the review, for this sample of data, the overall time between application received and the interview date was shorter where PAIS and IAAAS Category C support were provided. The

¹² Where a permission request ID was listed multiple times with different nationalities, it was excluded from the data set.

average time between applications received and interview date for those who received PAIS was 203 days, compared to 388 days for IMAs who were eligible for PAIS who did not receive support (91% longer where support was not received). The average time between applications received and interview date for those who received IAAAS Category C support was 156 days, compared to 169 days for IMAs who were eligible for IAAAS Category C however did not take up the support (8% longer where support was not received).

Figure 3: Average time between applications received and the interview date¹³



Source: Department of Home Affairs, analysed by KPMG

A number of factors may impact on the time taken between application received and the interview date for the sample, including:

- Different cohorts / individual circumstances for those reviewed.
- Capacity of service providers to provide assistance.
- The completeness of the applications received.
- Capacity of Departmental staff to schedule interviews.
- Availability for the interviews to be scheduled.

The average time for PAIS, with and without support, was longer than the average time for IAAAS Category C, with and without support. In addition to the reasons provided above, the difference in time may be due to the following factors:

- Due to the deadline for applications, there may have been greater urgency to schedule interviews for IMA's who lodged between 1 July 2017 and 30 September 2017, resulting in shorter average times for those who were eligible for IAAAS Category C support.
- Where applicable, providers may have utilised the experience obtained from providing support for PAIS to more efficiently provide support for IAAAS Category C, resulting in more complete applications received.

During consultations, Departmental staff conveyed that the majority of IMA's completed a post interview submission, increasing the length of time for the application process. However, only 13.5% of the sample completed a post interview submission as part of their application process.

The data analysis involves the following limitations:

- The data review was completed for a small proportion of those eligible for support within the IMA Legacy Caseload, however the exact proportion is unknown. As such, the results cannot be extrapolated to identify trends for the entire population. The analysis and commentary provided only considers the sample reviewed.
- In total, 15 nationalities were included in the sample. Due to the small sample size, no analysis of trends with nationalities have been completed.
- The data was provided by the Department, and no verification of its accuracy has been completed.

¹³ The average time (days) is a measure of the working days between the application received and the interview date, however does not exclude public holidays.

- Due to the number of variables in the process and limitations identified, no explicit reasons can be provided for trends identified.

Merit Determination

Based on the above analysis, the effectiveness of service delivery appears to be **Good** (Table 3), however the evidence to support this conclusion is weak.

Overall value of the program

This evaluation domain aimed to answer the overarching question: *The extent to which the need for the program was met, and delivered outcomes that were valuable to relevant stakeholder groups (i.e. the Department, service providers and the recipients)?*

Key considerations for the overall value include:

- Did assistance provided through the programs lead to more efficient processing of visa applications overall?
- How valuable is the assistance received to the IMAs?

Overall, **some evidence** exists that the program successfully achieved its objective of resolving the IMA Legacy Caseload through providing assistance to IMAs to submit their protection claims.

All program stakeholders consulted conveyed the view that the program was beneficial as it provided assistance to vulnerable IMAs to complete their applications. Other benefits discussed included:

- Delivery network staff believe that the application process is longer where PAIS or IAAAS Category C support was not received, as the applications were of lesser quality and completeness.
- Service providers consulted explained that they believed the IMAs benefit from speaking to a person who is external to the government, and benefited from the translation assistance provided.

Merit Determination

Based on the above evaluation of the overall value of the program, the overall rating on the extent to which the need for the program was met, and delivered outcomes that were valuable to relevant stakeholder groups (i.e. the Department, service providers and the recipients) was **Good** (Table 3).

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4 Summary overall

The data limitations of this evaluation prevent conclusive findings from being drawn, however observations drawn from the stakeholder consultations, desktop review and the data analysis conducted demonstrated some important themes. Overall, there is some evidence that the program successfully achieved its objective of resolving the IMA Legacy Caseload through providing assistance to IMAs to submit their protection claims. There was some evidence to suggest that the program design was appropriate to meet the objective of the program, and that the service provided to recipients met the overall need for the program. Some factors were identified which impacted on the service delivery, however stakeholders consulted were consistently of the view that providing migration assistance to the vulnerable, and to people with significant barriers, was important and valuable.

Lessons learned and considerations for the future

Consistent feedback from stakeholders indicated that elements of the program settings could be enhanced in future programs of this nature. These include:

Program Design

- Consider improving avenues via which migration agents are able to recommend individuals who they believe should be eligible for support.
- Invest in improvements to data collection and recording to support improved data analysis and program oversight.

Governance

- Consider introducing a framework to monitor performance of service providers, along with quality assurance processes to ensure completion of contractual obligations.
- Consider methods to make communication and escalation channels more visible to staff throughout the assessment process.
- Ensure succession planning has been considered and implemented, enabling useful insights and key learnings to be retained in the Department.


Service Delivery

- Where programs require strong 'surge capacity', with tight timeframes and high volume processing, consider increasing the frequency of stakeholder forums, to enable frequent and beneficial communication between stakeholders.

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Appendix 1: Consultation List

Table 5: Key stakeholders (or services) in PAIS and IAAAS Category C services

Role Title	Description	Consulted
Service provider (migration agent / legal aid)	The Service Provider entered into a Deed of Agreement with the Commonwealth of Australia to provide either PAIS or IAAAS services to IMAs.	Yes s47 
Contract Manager	Departmental staff who manage the contracts with the service providers.	No
Case Officer	Attend the interview with the IMA, and determine if the IMA is owed protection.	Yes
Program Management	Provides operational planning and procedural support to network decision makers.	Yes
National Allocations Team	Schedule the interview with the IMA, the case officer and the decision maker.	Yes
IMA	The recipient of the PAIS or IAAAS Category C assistance.	No

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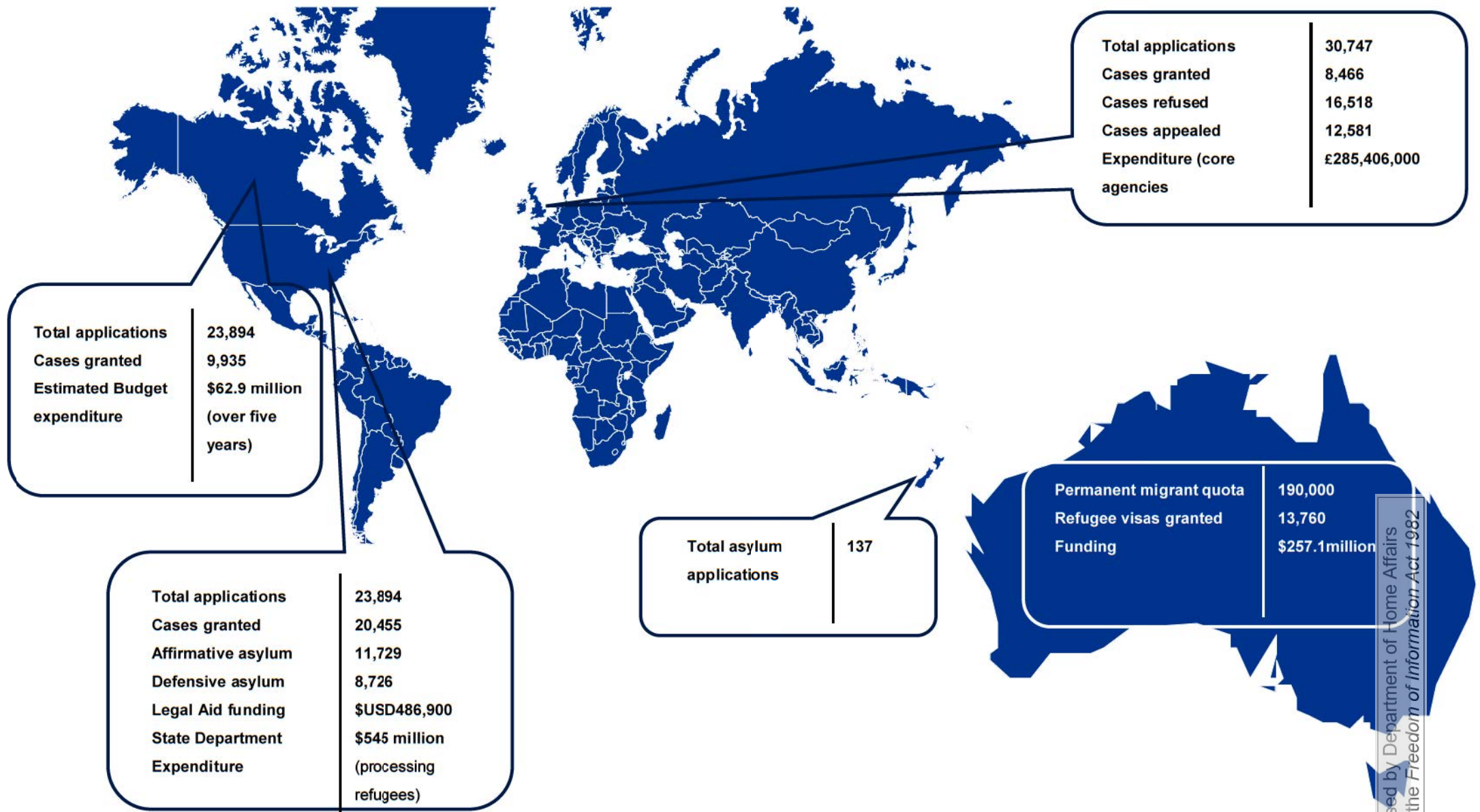


Programs for Asylum Seekers

Summary of assistance provided in: Australia, Canada, New Zealand, United Kingdom and United States

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September 2018

Snapshot: 2016 Asylum Seeker Facts



Comparison of assistance provided to Asylum Seekers

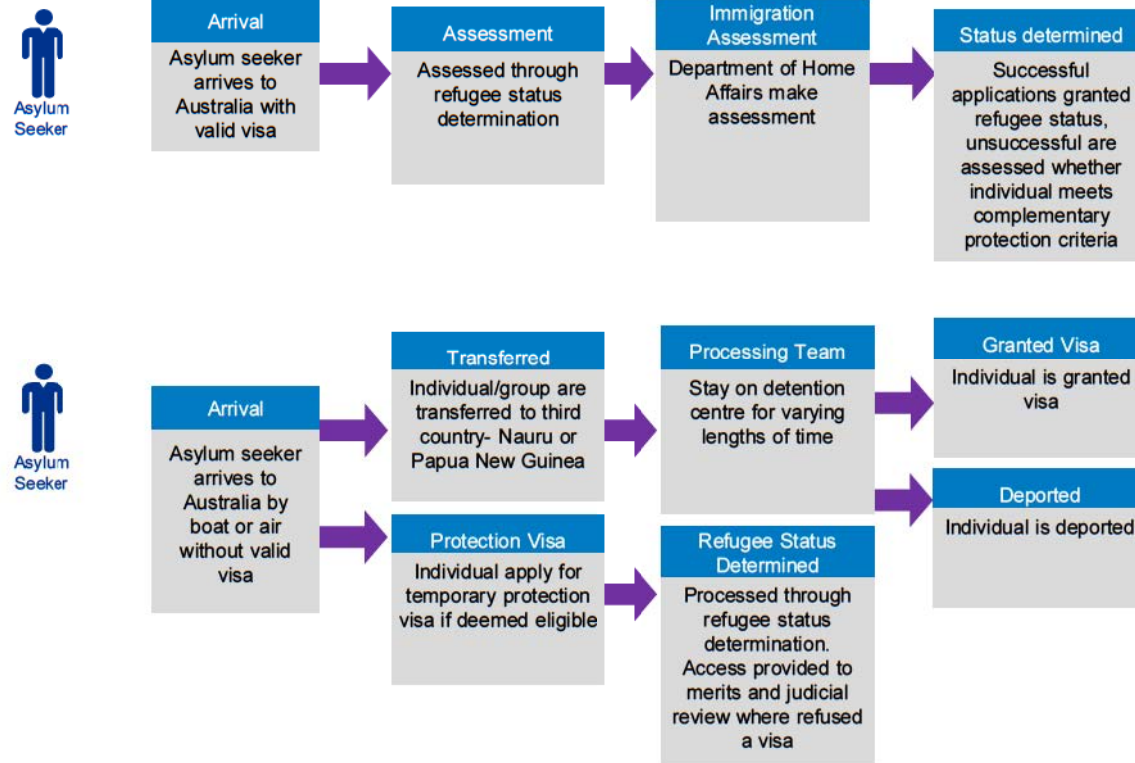
		Australia	Canada	New Zealand	United Kingdom	United States
Legal aid		Access to free, professional migration advice and application assistance under Government's Immigration Advice and Application Scheme	Available while waiting for IRB hearing	Free legal advice is available depending on case	Provided with an immigration officer	Have to source own attorney. Some detention centres have asylum officers stationed in them
Health services	Detention	Health care provided through a private company (IHMS) which is contracted by the Department in immigration detention centres	No overarching coverage: individuals are assessed on a case-by-case basis	Primary healthcare provided through NZ Corrections System. Mangere Detention Centre offers healthcare through Refugee Screening Service	National Health Service	Medical care provided in US immigration detention centres (privatised)
	Awaiting refugee decision	Medicare	Interim Federal Health Program Coverage	Enrol with a GP/PHO to receive primary healthcare. Public screening available through Regional Public health in the community	National Health Service	Not eligible for federally funded public health insurance policies like Medicare, Medicaid or CHIP as they require immigrant status in the country
	Refugee	Medicare	Provincial health care cover	NZ Health care system	National Health Service	Office of Refugee Resettlement offers medical assistance. Medicaid
Financial		Financial assistance is provided to asylum seekers based on need through the Status Resolution Support Services (SRSS) Programme	\$628/month/person-managed by the province's ministry of employment. Government ceases financial support once individual becomes employed	Able to apply for a working visa	£36.95/week/person Single parent- £73.90/week Parent with 2 children- £110.85/week Couple with 2 children- £147.80 Unable to work	Office of Refugee Resettlement offers financial assistance. No government assistance whilst waiting for asylum decision
Housing		Housing assistance varies depending on SRSS Band	Financial status determines housing situation. If no money, temporary housing centres available.	Asylum claimants and Convention refugees are responsible for their own housing. Mangere Accommodation Centre available for short-term stays.	Government housing provided by Home Office	When arriving at border, commonly taken to detention centres
Education		Services available within Detention Centres. For asylum seeker minors living in the community, access to public education is provided.	IRB- language assessment and training to help adults function in Canada and find work	Children generally issued with student visa. Primary and Secondary education is free. If asylum seekers are issued with a work visa while their claim is being processed, they may be able to obtain permission to attend ESL classes.	Children of asylum seekers must attend school if aged 5-17 years old. All state schools are free and the children may be eligible to receive free school meals.	Employment preparation and English Language training available through Office of Refugee Resettlement



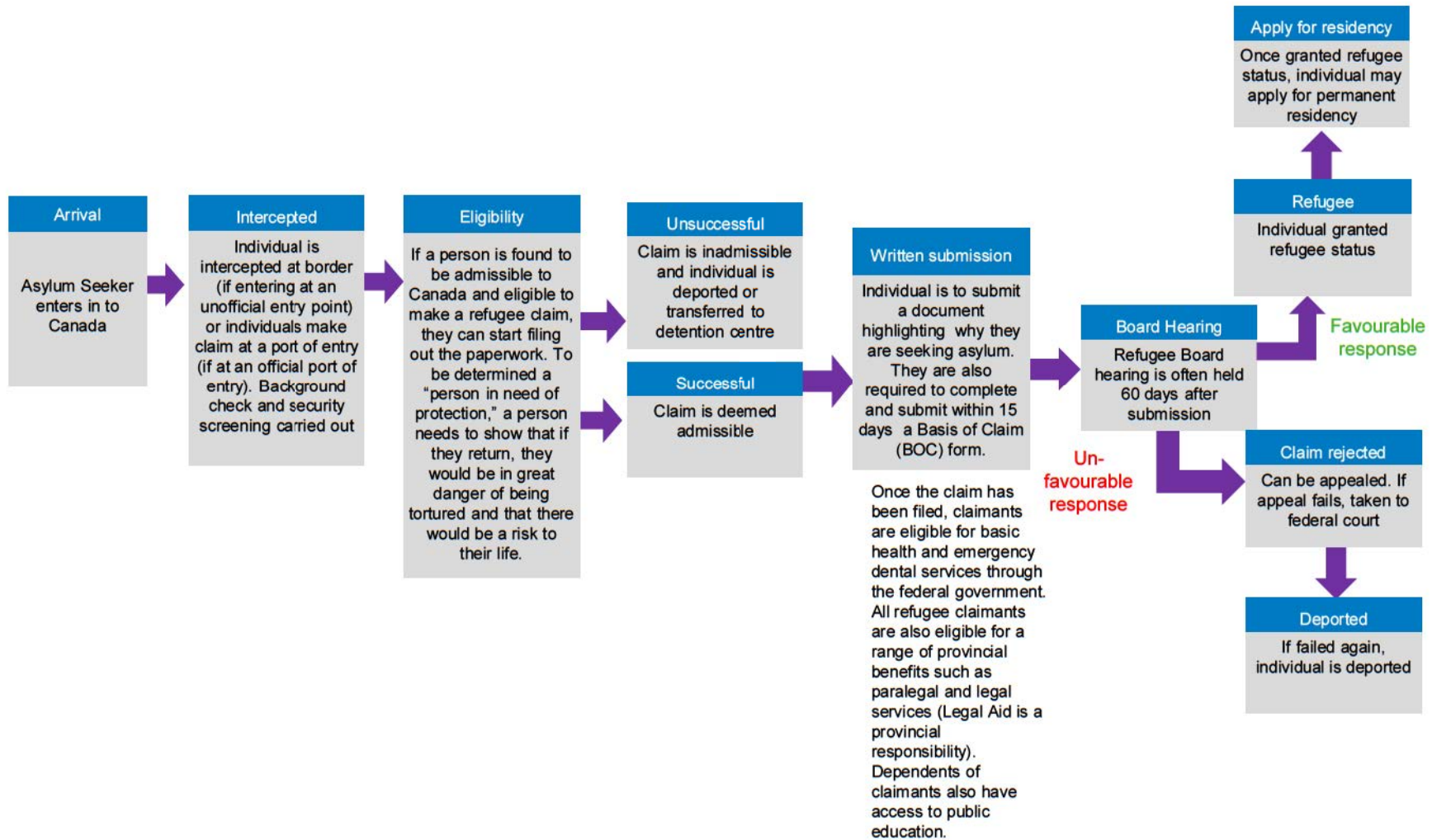
Asylum Seeker Process

Snapshot of Asylum Seeker processes

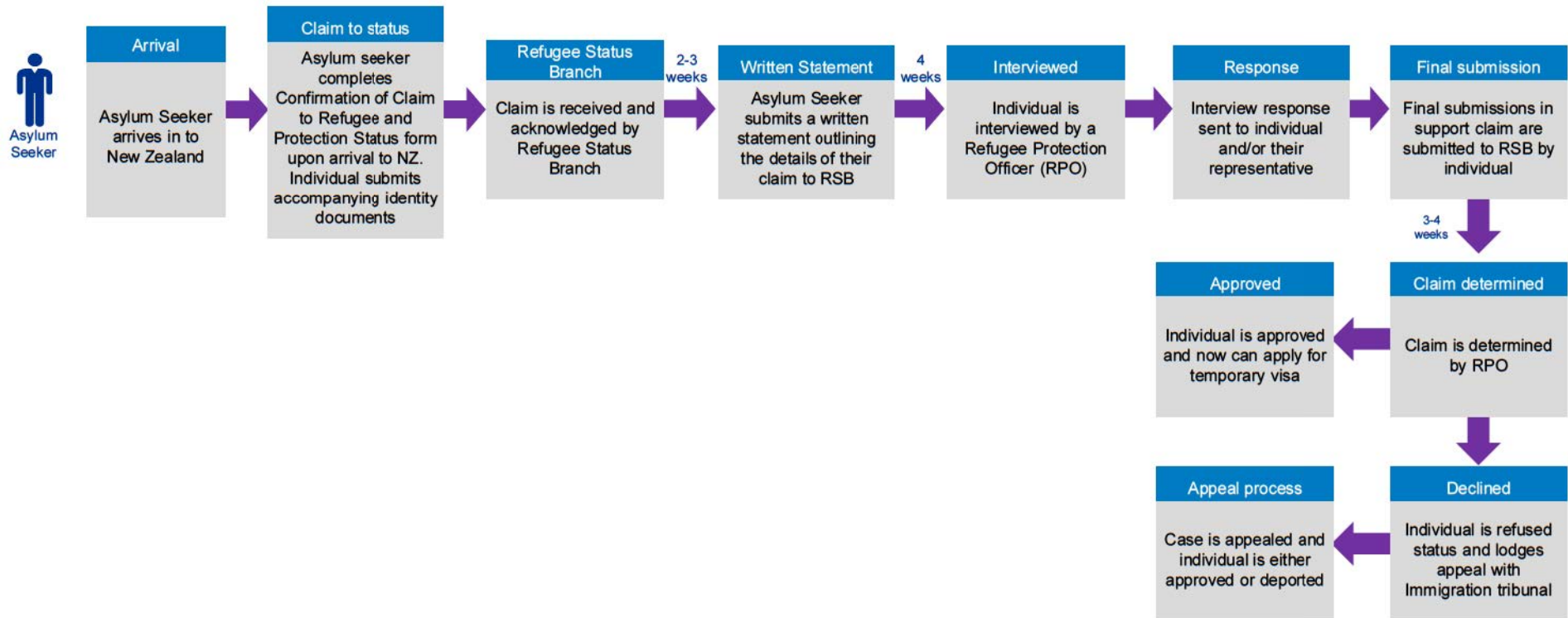
Australia



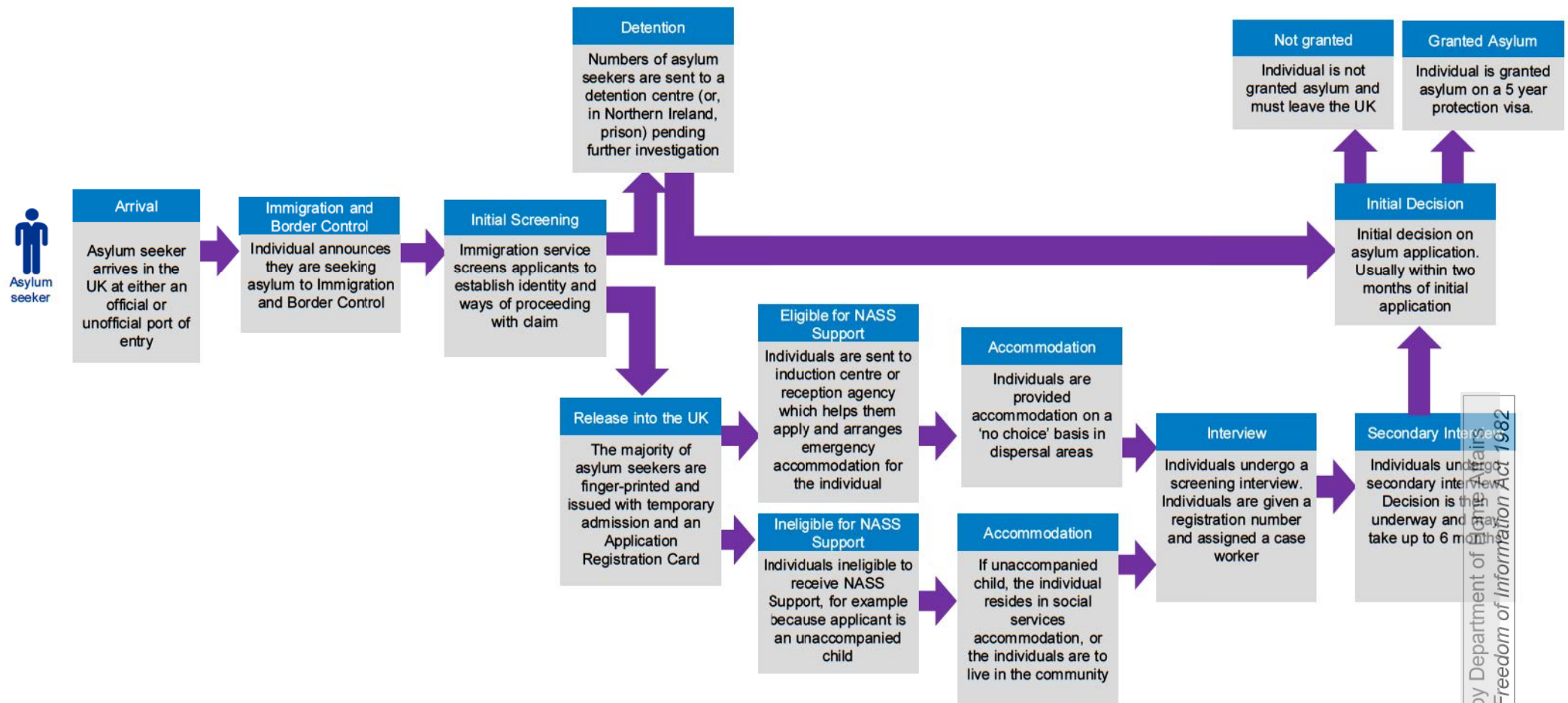
Canada



New Zealand

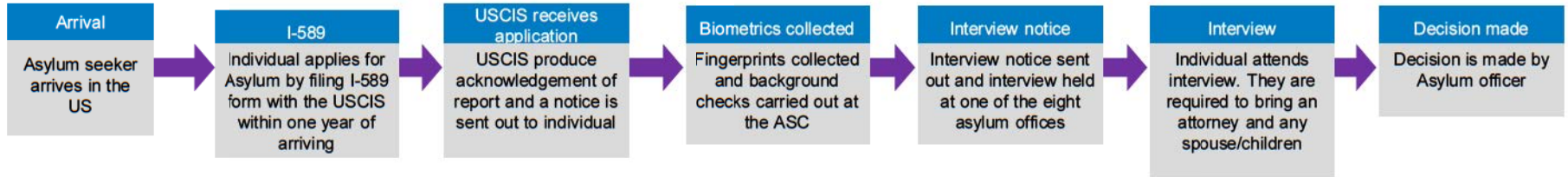


United Kingdom

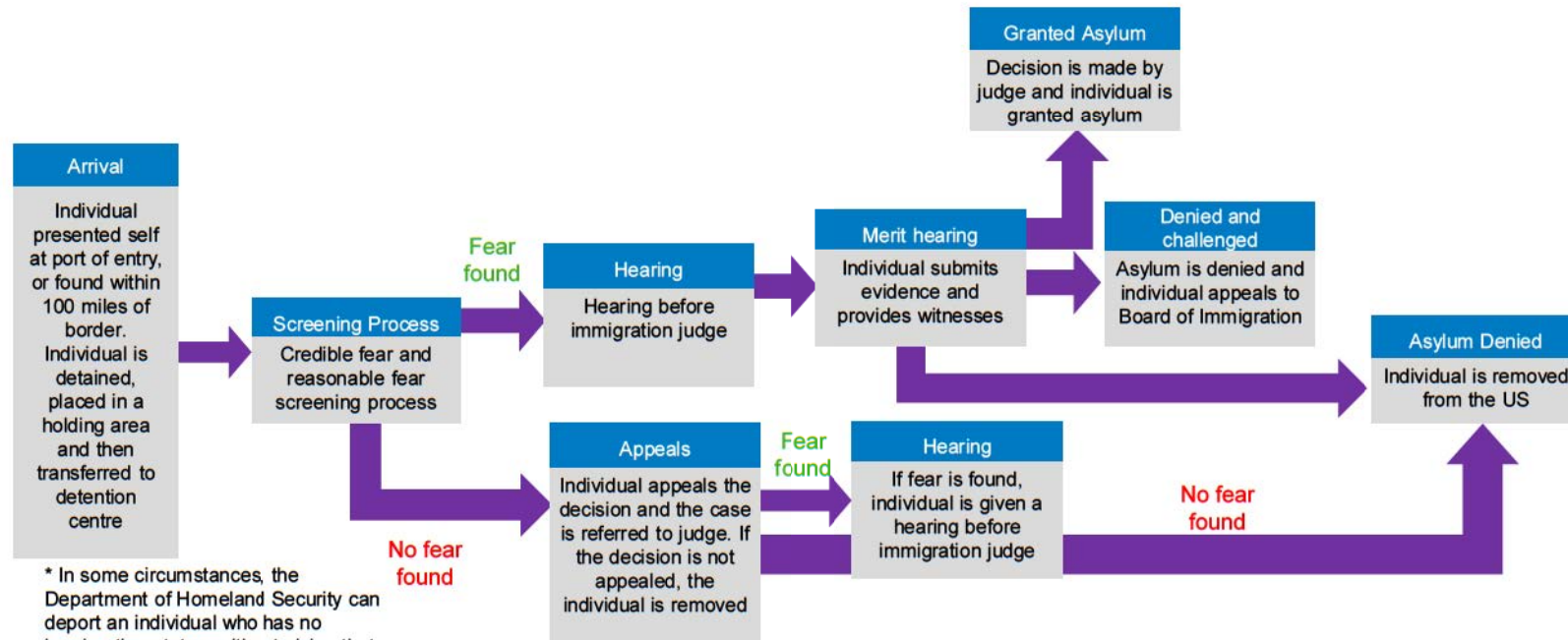


United States

Affirmative Process



Defensive Process



* In some circumstances, the Department of Homeland Security can deport an individual who has no immigration status, without giving that person any opportunity to see an immigration judge. Expedited removal may occur.



Programs and assistance provided to Asylum Seekers

Australia

SRSS Overview

Financial assistance is provided to eligible asylum seekers under the Status Resolution Support Services (SRSS) Programme. The programme is delivered through contracted SRSS providers. A case worker from the SRSS provider will oversee the care and welfare of recipients.

The SRSS programme replaced four programmes which were:

- Support services for unaccompanied minors in an Alternative Place of Detention (APOD);
- The Community Detention Programme;
- The Community Assistance Support Programme; and
- The Asylum Seeker Assistance Scheme (*Department of Immigration and Border Protection*).

SRSS Bands

Support is delivered to asylum seekers through the following six bands (*Department of Immigration and Border Protection*):

- **Band 1:** Services are delivered to SRSS Recipients in APODs. They include Carer support and Independent Observer Services.
- **Band 2:** Services are delivered to SRSS Recipients in the Australian community. They include Provided Accommodation with Carer support, Case Worker support and Case Coordination.
- **Band 3:** Services are delivered to SRSS Recipients in the Australian community. They include Provided Accommodation, Case Worker support and Case Coordination.
- **Band 4:** Services are short-term (up to 12 weeks of support for families with children aged 10 and under and up to six weeks of support for all others) Transitional Support delivered to SRSS Recipients in the Australian community. They include Provided Accommodation, Case Worker support and Case Coordination.

- **Band 5:** Services are delivered to SRSS Recipients in the Australian community. They include Case Worker support and Case Coordination.
- **Band 6:** Services are delivered to SRSS Recipients in the Australian community. They include basic Case Coordination.

The Department determines the Band under which a recipient receives services.

SRSS assistance

Once an asylum seeker holds a bridging visa, they can begin to access Centrelink benefits. Financial assistance is administered to eligible asylum seekers by the Department of Human Services. Payments can include:

- Living Allowance (Band 2 – Band 6);
- Rental Assistance Allowance (Band 4 – Band 6); and
- Dependent Child Allowance (Band 3 – Band 6) (*Department of Immigration and Border Protection*).
- May be eligible to access Medicare depending on visa conditions.

Canada

Available services upon arrival	Refugee Board of Canada	Third Country Agreement	PRAIDA	Available services
<p>Asylum seekers must declare how much money they have at the border. Their financial status affects whether they are to stay in one of the temporary housing centres, and the duration of stay.</p> <p>CBSA or IRCC officials will then determine if an individual is eligible to make an asylum claim. If the claim is deemed eligible, the Refugee Protection Division of the Immigration and Refugee Board of Canada conducts a hearing (<i>Government of Canada, 2018</i>).</p> <p>In Quebec, asylum seekers receive a "last resort special assistance", which is \$628 for one single adult per month (<i>Government of Canada, 2018</i>). The assistance is managed by the province's ministry of employment services.</p> <p>Individuals can then apply for a federal work permit, but the time it takes to process work permits is increasing to about four months due to</p>	<p>The Immigration and Refugee Board of Canada is Canada's largest independent administrative tribunal.</p> <p>The Refugee Board is responsible for making "well-reasoned decisions on immigration and refugee matters, efficiently, fairly and in accordance with the law" (<i>Immigration and Refugee Board of Canada, 2018</i>).</p> <p>The IRB decides who needs refugee protection among the thousands of claimants who come to Canada annually.</p>	<p>Signed between Canada and the US in 2004 (<i>Gil-Bazo, 2015</i>).</p> <p>This agreement requires that refugee claimants seek protection in the first safe country in which they arrive.</p> <p>This agreement applies to those making an asylum claim at a land border port of entry between Canada and the US, in an official border crossing. It does not apply to those individuals arriving from the US by sea, between the ports of entry, or an inland port such as an airport (<i>Gil-Bazo, 2015</i>).</p> <p>This agreement was founded on the principle that individuals should seek asylum in the first country they arrive in. This agreement remains an important tool for Canada and the U.S. to "work together on the orderly handling of refugee claims made" (<i>Gil-Bazo, 2015</i>).</p>	<p>Once individuals cross the border, they are referred to PRAIDA.</p> <p>PRAIDA provides support to asylum-seekers and information to assist individuals in navigating their refugee claims process (<i>Government of Canada, 2018</i>).</p> <p>The PRAIDA-YMCA initiative primarily provides temporary housing to individuals and families with various complex problems.</p> <p>The PRAIDA-YMCA Day centre offers (<i>Government of Canada, 2018</i>):</p> <ul style="list-style-type: none"> • Job training • Workshops on immigration, searching for housing, social assistance etc • A women's group • English and French conversation workshops • Drop-in day-care • Legal information • Support with immigration process 	<p>While individuals wait for the IRB hearing, asylum seekers have access to a range of government services while a decision is being made (<i>Government of Canada, 2018</i>):</p> <ul style="list-style-type: none"> • Health services (Interim Federal Health Program) • Social assistance • Education • Emergency housing • Legal aid <p>Canada Social Transfer:</p> <p>This is a federal block transfer to provinces and territories in support of: post-secondary education, programs for children, social assistance, and other social programs.</p> <p>This transfer provided \$13.7 billion in 2017-18 to the provinces and territories (<i>Canada Social Transfer, 2011</i>).</p> <p>Refugee claimants are not eligible for federal settlement services until they receive a positive refugee determination.</p> <p>Interim Federal Health Program</p> <p>Provides access to health services and some prescription drugs.</p>

New Zealand

Refugee Council of New Zealand

The Refugee Council of New Zealand is a national organisation whose purpose is to provide advice, information and assistance to asylum-seekers in New Zealand (*Refugee Council of New Zealand*).

The RCNZ aims “to develop and implement a strategic response to the needs of asylum seekers while ensuring that New Zealand meets its legal and humanitarian obligations under the 1951 United Nations Convention on Refugees” (*Refugee Council of New Zealand*).

The RCNZ is committed in facilitating the participation of asylum seekers in the community (*Human Rights Commission, 2017*).

They aim to promote public awareness and understandings of asylum seeker issues and work closely with the UNHRC and NZ Government in order to meet their objectives.

Asylum Seekers Support Trust

Asylum Seeker Support Trust works to create a safe and supportive environment for asylum seekers and convention refugees in New Zealand (*Asylum Seeker Support Trust, 2015*).

They provide access to information, services and resources in order to provide those individuals claiming refugee services the greatest amount of support.

Limited accommodation is available for individuals who have a claim in process and who are in urgent need of shelter (*Asylum Seekers Support Trust, 2015*). The accommodation is designed to be short term and there is great demand for this service.

Other services available through this scheme include: information for individuals regarding the asylum claim, and support in assisting with these claims and how to access entitlements.

Asylum Seeker Rights in New Zealand

As an asylum seeker in New Zealand (*New Zealand Immigration, 2015*), the individual has a right to:

- Remain in New Zealand until their claim for refugee and protection status is finally decided.
- Be treated fairly and lawfully regardless of race, gender, age, religion, sexual orientation or disability.
- Advice or representation. Free legal help may be available, depending on the individual's case.
- Access to public-funded health care
- Be issued with an identity document if they do not have valid travel documents.

Emergency Benefit Support

When an individual has made a claim for refugee or protection status and is lawfully in New Zealand, they can apply for the Emergency Benefit and Temporary Additional Support.

The Emergency Benefit is at the same rate as job seeker support (*Human Rights Commission, 2017*). The duration of the Emergency Benefit will vary depending on the person's circumstances.

Individuals who are in New Zealand without a valid visa (either residing at MAC or in the community), are not entitled to this social security benefits. They are, however, provided with \$120/week to assist with their costs of living (*Human Rights Commission, 2017*).

Services Available

Health

New Zealand's public health system provides subsidised health care to all individuals, including asylum seekers. They must provide a letter from RSB confirming the individual has lodged a claim for refugee and protection status.

UNHCR resettled refugees are entitled to Mental Health Services from RASNZ at the MAC. RASNZ works with asylum claimants who have been released on conditions to MAC (*New Zealand Immigration, 2015*).

Education

English lessons are available for some individuals. There are many courses available, including tertiary institutions, secondary schools and community education centres, however there is a fee involved.

Accommodation

Asylum claimants and Convention refugees are responsible for their own housing. Those who come to New Zealand as part of the RSFC rely entirely on the sponsor for their housing.

United Kingdom

Refugee Council	British Red Cross	Support to Asylum Seekers	National Transfer Scheme	Syrian Vulnerable Persons Resettlement Scheme
<p>Refugee Council of UK work with refugees and people seeking asylum in the UK.</p> <p>The council offers support and advice throughout asylum seeker's journey into the UK, and have been doing so for more than 60 years (<i>Refugee Council, 2018</i>).</p> <p>The council offers (<i>Refugee Council, 2018</i>):</p> <ul style="list-style-type: none"> • Destitution services (hardship support) to people seeking asylum at each of its offices. This includes access to food, showers, laundry facilities and legal advice services. • Access to therapeutic services. These services offer free holistic support for asylum seekers who would like support with emotional issues following distress caused by the process and more. • Legal and asylum support services. 	<p>The British Red Cross supports vulnerable refugees and asylum seekers.</p> <p>As part of the international Red Cross and Red Crescent movement, this group provides support to individuals who are forced to flee their homes (<i>British Red Cross, 2018</i>).</p> <p>The British Red Cross provide one-to-one support to asylum seekers. The assistance provided includes:</p> <ul style="list-style-type: none"> • Understanding the asylum process, • Preparing documents, • Health, education and social care support, • Learning new skills, and • Building confidence. <p>Support services are located around the UK including Birmingham, Glasgow, Hampshire, Kent, Leicester, Leeds and London (<i>British Red Cross, 2018</i>).</p>	<p>Housing</p> <p>Asylum seekers are provided with somewhere to live without choice.</p> <p>Financial support</p> <p>Asylum seekers receive £37.75/person. This is designed to help with food, clothing and living essentials. The allowance is loaded onto a debit card (ASPEN card) each week. If individuals are a mother of a child under three, an extra £3-5 is given to the mother. Asylum seekers are not permitted to work (<i>Government UK</i>).</p> <p>Healthcare</p> <p>Individuals may be eligible to receive National Health Service healthcare. Services include prescription medication, dental care, eyesight tests and optical support (<i>Government UK</i>).</p> <p>Education</p> <p>Children of asylum seekers must attend school if aged 5-17 years old. All state schools are free and the children may be eligible to receive free school meals (<i>Government UK</i>).</p> <p>Legal aid</p> <p>Free legal aid may be available, depending on the individual's circumstances.</p>	<p>The UK government introduced a scheme that ensures the care responsibilities of unaccompanied asylum-seeking children (UASC) is shared across the UK.</p> <p>The scheme was created to enable the safe transfer of unaccompanied children from one local authority to another local authority (<i>Home Office, 2018</i>).</p> <p>Only unaccompanied children that meet the definition of a UASC, as defined in 352ZD of the <i>Immigration Rules</i>, are eligible to be referred to the National Transfer Scheme (<i>Home Office, 2018</i>).</p> <p>This scheme is intended to ensure that unaccompanied children can access the services and support they need. It is intended to ensure that any participating local authority does not hold higher responsibilities in accommodating and looking after unaccompanied children (<i>Home Office, 2018</i>).</p> <p>It is based on the principle that no local authority should be asked to look after more UASC than 0.07% of its total child population (<i>Home Office, 2018</i>).</p>	<p>The scheme was launched in January 2014 and was designed to help those in the greatest need, including people requiring urgent medical treatment, survivors of violence and torture, and women and children at risk.</p> <p>At the time of launch, the scheme was intended to expand to resettle 20,000 Syrians in need of protection during the current Parliament in 2014 (<i>Home Office, 2017</i>).</p> <p>As of March 2017, 7,307 people had been resettled under the VPRS (<i>Home Office, 2017</i>).</p> <p>To determine whether individuals are eligible for this Scheme, they are to undergo a screening process by the International Organisation for Migration. After completing the application process, eligible individuals are provided with a Visa (<i>Home Office, 2017</i>).</p> <p>The first 12 months of a refugee's resettlement costs are fully funded by central government using the overseas aid budget. For the remaining 4 years, there is a cap on the costs of funding available to assist with resettlement costs (<i>Home Office, 2017</i>).</p>

United States

Credible and Reasonable Fear Screening Process

Individuals arriving without proper documentation, but are entering as asylum seekers, are held in detention while their "credible fear" cases are pending. If no "credible fear" is found, the individual may be removed from the country. If they are found to meet the "credible fear" threshold, they may be released while an immigration judge considers the case (*CRS Report for Congress, 2005*).

"Credible fear", as defined by the Immigration and Nationality Act, means that there is a significant possibility that the individual could establish eligibility for asylum. The credible fear screening process is used in order to decide whether the individual can progress through the asylum seeker process (*CRS Report for Congress, 2005*).

Alternatively, an individual can also state they hold "reasonable fear" of persecution in their country of nationality if they were to return.

Affirmative and Defensive Asylum Process

Affirmative Process

Individual has not been placed in removal proceedings before an Immigration Judge.

Individual affirmatively submits Form I-589 to USCIS (*CRS Report for Congress, 2005*).

Individual appears before a USCIS Asylum Officer for a non-adversarial interview.

Individual must provide a qualified interpreter for the asylum interview.

Defensive Process

Individual has been placed in removal proceedings before an Immigration Judge. They are placed in removal proceedings: by an asylum officer, for immigration violations, or if they tried to enter without proper documentation (*CRS Report for Congress, 2005*).

Individual appears before an Immigration Judge with the Executive Officer for Immigration Review.

Immigration Court provides a qualified interpreter for the asylum hearing and all other court proceedings.

Office of Refugee Resettlement

An individual that is granted asylum may be eligible to receive assistance and services through the Office of Refugee Resettlement.

ORR funds and administers programs to help refugees and asylees.

These programs are run by state and private agencies in various locations throughout the United States, with differing programs available across the states (*Office of Refugee Resettlement, 2016*).

The Office of Refugee Resettlement provides contacts across the different states and cities. For example, in Los Angeles, the *Immigration and Resettlement Program*, and the *Interfaith Refugee & Immigration Service* provide assistance to asylum seekers (*Office of Refugee Resettlement, 2015*).

Asylees may apply to receive financial and medical assistance for up to 8 months, commencing from the date they are granted asylum (*Office of Refugee Resettlement, 2015*). Proof of asylum must be shown in order for the individual to receive these benefits in addition to other requirements. The eligibility period is 5 years.

Benefits and Responsibilities of Asylees

Working in the US

Individuals are authorised to work in the US whilst holding asylum status (*USCIS, 2018*). Asylum seeker's dependents are also authorised to work in the US, as long as they continue to hold their derivative asylum status. To be eligible to work in the US whilst holding asylum seeker status, Individuals are required to hold additional documentation, such as a social security card (*USCIS, 2018*).

Social Security card

Asylum Seekers are eligible to apply for a Social Security card at any Social Security office. When attending the appointment, an individual must show either: their original order from the Immigration Judge or Board of Immigration Appeals granting asylum, their I-94 card, or their EAD (*USCIS, 2018*).

Permanent residency

Under section 209(b) of the Immigration and Nationality Act, individuals may apply for lawful permanent residency after being present in the US for one year after the date asylum was granted (*USCIS, 2018*).

Expedited Removal

The Department of Homeland Security may place individuals entering illegally into expedited removal proceedings (*CRS Report for Congress, 2005*).

Before issuing an expedited removal order, an immigration officer must determine if the individual is inadmissible to the United States because they either lied or misinterpreted a material fact, or does not have valid entry documentation (*Gasson, K*).

Expedited removal is most commonly used at designated ports of entry (including airports, seaports and land border crossings) and at sea (non-designated ports of entry).

If individuals are facing expedited removal and report to the immigration officer that they fear persecution or torture, they will be detained and given the opportunity to speak with an asylum officer.

If an individual is issued an expedited removal order, they receive a five-year ban from re-entry in most cases. However, they could receive a 10 or 20-year ban in some circumstances (*Gasson, K*).



Legal assistance provided to Asylum Seekers

Eligibility of asylum seekers

- Upon entry, an individual is required to sit an eligibility interview. Officers who review an individual's refugee claim decide if it will be referred to the Immigration and Refugee Board of Canada. The IRB decides who is a **Convention refugee** or a **person in need of protection**
- **Convention refugees** are outside their country of origin, and are not able to return because of a well-founded fear of persecution based on:
 - Race
 - Religion
 - Political opinion
 - Nationality, or
 - Membership in a social group, such as women or people of a particular sexual orientation
- A **person in need of protection** is a person in Canada who cannot return to their home country safely, because they would be subject to a:
 - Danger of torture
 - Risk to their life, or
 - Risk of cruel and unusual treatment or punishment.

Legal Aid

Legal Aid Program is a program implemented under the Canadian Government which provides funding to the provinces and territories for the delivery of legal aid services for "economically disadvantaged person" (*Department of Justice, 2018*). This program is a cost-shared program between the federal government and provincial/territorial governments. Federal government is responsible for criminal law and the provinces/territories are responsible for the administration of justice (*Department of Justice Canada, 2017*).

The level of Immigration and Refugee legal aid funding allocated to each jurisdiction in a given year is based upon its share of demand for I&R legal services in the preceding fiscal year (*Department of Justice Canada, 2017*).

To protect the integrity of Canada's asylum system, Canada's 2017 Budget proposed to provide \$29.0 million over five years, starting in 2017-18, and \$5.8 million per year thereafter (*Building a Strong Middle Class, Budget 2017*). Budget 2017 proposed to provide \$62.9 million over five years, starting in 2017-18, and \$11.5 million per year thereafter. This funding was provided to "enhance the delivery of immigration and refugee legal aid services, in partnership with the provinces and territories" (*Building a Strong Middle Class, Budget 2017*).

Government managed assistance provided

British Columbia:

Individuals in British Columbia have access to lawyers to represent them in their immigration cases if they are facing an immigration proceeding or if they wish to claim refugee status. Available services include assistance with forms, preparing for an immigration hearing and a lawyer to represent them at their hearing (*Legal Services Society, 2018*).

Alberta:

Legal Aid Alberta assists eligible clients with immigration and refugee matters such as refugee claims, judicial reviews of failed refugee claims, detention reviews and admissibility hearings. If the individual is eligible to receive the services of a lawyer, Legal Aid Alberta will appoint a lawyer (*Legal Aid Alberta, 2017*).

Manitoba:

Legal Aid Manitoba provides a range of legal services to eligible applicants including those seeking refugee status, opposing deportation or opposing removal orders. Eligible individuals include those who are financially disadvantaged as described by their guidelines (*Legal Aid Manitoba, 2018*).

Ontario:

Legal Aid Ontario provides legal services for eligible individuals in immigration and refugee law. Applicants are required to take a financial test to determine if their gross income is within LAO's eligibility guidelines. There are still, however, required fees for refugee matters including payments to Immigration, Refugees and Citizenship Canada application and filing fees (*Legal Aid Ontario, 2018*).

Quebec:

Legal Aid Quebec provides legal assistance to individuals seeking immigration assistance with limited financial means. In order to receive Legal Aid in Quebec, the individual's financial situation must be within the eligibility thresholds for legal aid (takes into account income, assets and liquid assets) (*Services Quebec, 2017*).

Newfoundland and Labrador:

At Legal Aid Newfoundland, they provide services to refugee claimants who are facing hearings before the Immigration and Refugee Board. An 'Intake Worker' compares assets and incomes with their debt and expenses in order to determine if they have the ability to pay for a lawyer. The Intake Worker will also consider the assets, incomes, debts and expenses (*Newfoundland and Labrador Legal Aid Commission*).

New Zealand

Eligibility to asylum seekers

The determination of asylum seekers' eligibility for refugee status are made by Refugee status Officers, under the Refugee Status Board (*West-Newman, 2015*). Qualifying individuals may be able to receive legal aid for legal expenses relating to a refugee claim (*Driver, R*).

Under the Immigration Act 2009, asylum seekers' claims must be responded to following the obligations under the Refugee Convention.

The Immigration and Protection Tribunal in New Zealand is a specialist body acknowledging the extent of its jurisdiction (*Driver, R*). The IPT "brings greater efficiency to the immigration appeal process in New Zealand, without reducing the appeal rights of applicants (*Driver, R*).

Funding

In New Zealand's Budget for 2016, the increase in community law centres and legal aid was addressed. Over the preceding four years, it was confirmed that the government will provide \$76 million over four years to ensure more in-need individuals will receive assistance.

Civil legal aid was expected to be increased to \$17.2million.

In 2015, Civil Legal Aid received \$5,537,051, with Legal Aid as a whole received \$105,205,231 (*Law Society NZ, 2015*). In 2015, 1,424 individuals applied for civil legal aid, with 281 individuals denied legal aid (*Law Society NZ, 2015*).

Government managed assistance provided

"The issue is around accessing associated services and entitlements promptly and easily. Despite there being services available, this information remains largely unknown" (NZ Human Rights Commission, 2017).

In New Zealand, eligible individuals seeking asylum are entitled to government-funded legal assistance during their asylum application. This includes the initial claim, proceedings before the Immigration and Protection Tribunal, and any appeals.

The Legal Aid Scheme is a government funded program available to provide individuals with legal assistance if they are unable to afford the costs of a lawyer. Applications need to be made to the Legal Services Agency in order to gain legal assistance (*New Zealand Immigration*). The Ministry of Justice supplies a list of available lawyers online, highlighting those that specialise in refugee and immigration matters.

Sections 7, 10, and 11 of the Legal Aid Act (*Legal Services Act 2011*) highlight the requirements and obligations of the government to provide legal assistance to individuals requiring immigration advice.

Community Law centres also provide legal information and advice, assistance and representation for individuals who cannot afford the costs of legal services.

Obligations

In addition to the Refugee Council and Protocol, Aotearoa New Zealand has ratified international human rights conventions relating to the treatment of asylum seekers including (*Udahemuka, 2013*):

- 1984 Universal Declaration of Human Rights
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination
- 1966 International Covenant on Civil and Political Rights
- 1966 International Covenant on Economic, Social and Cultural Rights
- 1979 Convention on the Elimination of All Forms of Discrimination against Women
- 1984 Convention Against Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment

United Kingdom

Eligibility to asylum seekers

Individuals may be eligible to apply for support from the UK Border Agency. UK Border Agency is the government department that is responsible for supporting destitute asylum seekers (*Asylum Support Partnership, 2012*).

In order to receive this assistance, an individual must provide evidence to show (*Asylum Support Partnership, 2012*):

- Their application for asylum has been recorded and has not yet been determined,
- They are destitute (little or no money and accommodation),
- They have applied for asylum 'as soon as reasonable practicable' after arriving in the UK, and
- They are over the age of 18 years old.

Funding

The Home Office provided £354 million of Official Development Assistance in 2017 (*Home Office Annual Report, 2017*). This ODA spending was focused on, among other areas, supporting to assist asylum seekers (*Home Office, 2017*).

In 2017-18, Core Department and Agencies' expenditure on Asylum costs were £311,954,000 (*Home Office 2017*). This compared to a total of £285,406,000 in 2016-17 (*Home Office, 2017*).

Government managed assistance provided

UK Border Agency

Provides support to destitute asylum seekers. If individuals are unable to support themselves, they are able to apply for asylum support at any point of their asylum claim (*Asylum Support Partnership, 2012*).

Refugee Council

Provides free advice and information to asylum seekers and refugees in the UK. They can advise on rights and entitlements and the meaning of laws. They do not, however, provide legal advice or legal representation (*Refugee Council, 2018*).

Asylum Aid

Asylum Aid, part of Migrants Resource Centre, provides legal representation and advice to asylum seekers. Their assistance offers "one-off legal advice to asylum seekers and refugees" (*Asylum Aid, 2017*).

United States

Eligibility of asylum seekers

In FY 2015, 182,163 new arrivals were eligible for ORR refugee benefits and services (FY2015 Annual Report to Congress). In FY2016, 212,410 new arrivals were eligible for ORR-funded benefits and services (FY2016 Annual Report to Congress).

These arrivals represented six different groups: refugees, asylees, Cuban/Haitian entrants, Special Immigrant Visa holders, Amerasians, and victims of trafficking (FY2015 Annual Report to Congress).

In financial year 2015, 31,298 asylees were eligible for Office of Refugee Resettlement's Refugee Benefits and Services. In financial year 2016, 25,149 asylees were eligible for these benefits (FY2016 Annual Report to Congress).

Funding

- The Refugee Resettlement Program's, which assists those admitted to the US as victims of persecution, funding level was \$707,963,000 (FY2016 Annual Report to Congress).
- In the US, funding for Legal Aid is funded through federal, private and state sources. These include Legal Services Corporation, Interest on Lawyer Trust Accounts, and State Legislatures (Legal Aid in the United States, 2017).
- Legal Services Corporation provides funding for civil legal assistance to low-income individuals. The U.S Congress provides funding through the US budget, which in 2016 was \$486,900 (Legal Aid in the United States, 2017). The funds are then distributed to each of the states based on their population.

Government managed assistance provided

Legal Aid in the United States

The purpose of legal aid is to provide free legal services to low income Americans. The Legal Services Corporation (federal program) is the largest funder of legal services in the United States (Legal Aid in the United States, 2017).

Legal Services Commission is specifically aimed at helping low-income plaintiffs who cannot afford lawyers. However, this does not include representing individuals who are not US citizens.

Immigration Law Help

ImmigrationLawHelp.org is an online directory providing over 1000 free or low-cost non-profit immigration legal services in each state of the United States. Users are able to refine their search type based on the state they are requiring services in, and the types of legal assistance provided (Immigration Law Help).

Immigration Advocates Network

This network is a collaborative effort made up of immigrants' rights organisations designed to increase access to services and legal assistance for low-income immigrants (Immigration Advocates Network, 2018). This network provides free, easily accessible and comprehensive online resources and tools for individuals requiring assistance with the asylum process.



Gap Analysis

Gaps in Analysis

This report provides a snapshot and high-level analysis of the programs available, and assistance provided, to Asylum Seekers across Australia, Canada, New Zealand, United Kingdom and United States.

Although this report provides a comparison between the available programs (on a high level), funding provided to the countries, and the details surrounding asylum application, a deeper understanding surrounding the differences in legal assistance across the Five Eye's, and its effectiveness towards asylum seeker processing, could not be made.

In order to undertake a more thorough analysis of each country's asylum seeker processes and effectiveness, greater clarity is needed in the following areas:

- Eligibility for vulnerable individuals gaining legal assistance;
- Legal aid's effectiveness in terms of asylum seeker applications resulting in quicker resolutions (or rejections); and
- The detailed process each country provides for individuals to receive such assistance.



References

- Annual Report to Congress- Fiscal Year 2016. (2018). [ebook] Available at: https://www.acf.hhs.gov/sites/default/files/orr/arc_16_508.pdf [Accessed 2 Aug. 2018].
- Aph.gov.au. (2018). *Australian Government assistance to refugees: fact v fiction – Parliament of Australia*. [online] Available at: https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/AustGovAssistRefugees#_ftn39 [Accessed 23 Jul. 2018].
- Asylum Aid. (2018). *Get Asylum Legal Advice - Asylum Aid*. [online] Available at: <https://www.asylumaid.org.uk/get-legal-advice/> [Accessed 3 Aug. 2018].
- Asylum Seeker Resource Centre. (2018). *Asylum Seeker Financial Support | Asylum Seeker Resource Centre*. [online] Available at: <https://www.asrc.org.au/resources/fact-sheet/asylum-seeker-financial-support/> [Accessed 27 Jul. 2018].
- Asylum Support Partnership. (2012). [ebook] Available at: https://www.refugeecouncil.org.uk/assets/0002/0694/Applying_fo_asylum_support_Sept_2012_English.pdf [Accessed 1 Aug. 2018].
- British Red Cross. (2018). *Get help as a young refugee or asylum seeker | British Red Cross*. [online] Available at: <https://www.redcross.org.uk/get-help/get-help-as-a-young-refugee-or-asylum-seeker> [Accessed 23 Jul. 2018].
- Building a strong middle class- Budget 2017. (2018). [ebook] Department of Finance Canada. Available at: <https://www.budget.gc.ca/2017/docs/plan/budget-2017-en.pdf> [Accessed 1 Aug. 2018].
- CBC. (2018). *What refugee claimants receive from the government | CBC News*. [online] Available at: <https://www.cbc.ca/news/canada/montreal/asylum-seekers-support-housing-1.4252114> [Accessed 24 Jul. 2018].
- Claiming Refugee and Protection Status in New Zealand- Ministry of Business, Innovation and Employment. (2015). [ebook] Available at: <https://www.immigration.govt.nz/documents/refugees/claimingrefugeeandprotectionstatusinnewzealand.pdf> [Accessed 24 Jul. 2018].
- Department of Immigration and Border Protection (2016). *Status Resolution Support Services (SRSS) Programme Operational Procedures Manual (Version 4) July 2016* [Accessed 25 Sept. 2018].
- Driver, R. (2018). *A comparison of the regimes for refugee status determination in Australia and New Zealand*. [ebook] Sydney. Available at: <http://learnedfriends.com.au/getmedia/bea88d80-d0b1-44bb-a935-79ebd3dcfa5a/Policy-and-practice-in-the-processing-and-treatment-of-asylum-seekers-in-Australia-and-New-Zealand.aspx> [Accessed 1 Aug. 2018].
- Fairus.org. (2018). *The Fiscal Cost of Resettling Refugees in the United States | Federation for American Immigration Reform*. [online] Available at: <https://www.fairus.org/issue/legal-immigration/fiscal-cost-resettling-refugees-united-states#> [Accessed 3 Aug. 2018].
- Fin.gc.ca. (2018). *Canada Social Transfer*. [online] Available at: <https://www.fin.gc.ca/fedprov/cst-eng.asp> [Accessed 27 Jul. 2018].
- Gasson, K. (2018). *When Expedited Removal Allows Deportation Without a Hearing*. [online] www.nolo.com. Available at: <https://www.nolo.com/legal-encyclopedia/when-expedited-removal-allows-deportation-without-hearing.html> [Accessed 27 Jul. 2018].

- Gil- Bazo, M. (2015). *The Safe Third Country concept in international agreements on refugee protection*. [ebook] Netherlands, pp.42-77. Available at: <http://www.unhcr.org/59c4be077.pdf> [Accessed 24 Jul. 2018].
- Globaldisabilityrightsnow.org. (2018). *Legal Aid in the United States | Global Disability RightsNow!*. [online] Available at: <https://www.globaldisabilityrightsnow.org/tools/usa-vietnam/legal-aid-united-states> [Accessed 3 Aug. 2018].
- GOV.UK. (2018). *How many people do we grant asylum or protection to?*. [online] Available at: <https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2017/how-many-people-do-we-grant-asylum-or-protection-to> [Accessed 3 Aug. 2018].
- GOV.UK. (2018). *Legal aid*. [online] Available at: <https://www.gov.uk/legal-aid/eligibility> [Accessed 3 Aug. 2018].
- Government UK. (2018). *Asylum support*. [online] Available at: <https://www.gov.uk/asylum-support> [Accessed 27 Jul. 2018].
- Hawkins, O. (2018). *House of Commons: Asylum Statistics*. [ebook] Available at: <http://researchbriefings.files.parliament.uk/documents/SN01403/SN01403.pdf> [Accessed 1 Aug. 2018].
- Immigration, R. (2018). *Asylum Claims - Canada.ca*. [online] Canada.ca. Available at: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/asylum-claims.html> [Accessed 27 Jul. 2018].
- Immigrationadvocates.org. (2018). *About - Immigration Advocates Network*. [online] Available at: <https://www.immigrationadvocates.org/about/> [Accessed 3 Aug. 2018].
- Lawsociety.org.nz. (2018). *Legal aid funding 2008 to 2015 - NZ Law Society*. [online] Available at: <https://www.lawsociety.org.nz/practice-resources/research-and-insight/practice-trends-and-statistics/legal-aid-funding-2008-to-2015> [Accessed 3 Aug. 2018].
- Legal Aid statistics quarterly. (2018). [ebook] National Statistics. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/696042/legal-aid-statistics-bulletin-oct-dec-2017.pdf [Accessed 1 Aug. 2018].
- Legal assistance for people seeking asylum. (2017). [ebook] UNSW Sydney. Available at: http://www.kaldorcentre.unsw.edu.au/sites/default/files/Factsheet_Legal_Assistance.pdf [Accessed 24 Jul. 2018].
- *Legal Services Act 2011* 7,10,11.
- Mossaad, N. (2018). *Refugees and Asylees: 2016*. [ebook] Available at: https://www.dhs.gov/sites/default/files/publications/Refugees_Asylees_2016_0.pdf [Accessed 1 Aug. 2018].

- National Transfer Scheme Protocol for Unaccompanied Asylum Seeking Children. (2018). 2nd ed. [ebook] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/687226/NTS_Protocol_Final_-_March_2018.pdf [Accessed 23 Jul. 2018].
- Office of Refugee Resettlement | ACF. (2018). *About*. [online] Available at: <https://www.acf.hhs.gov/orr/about> [Accessed 27 Jul. 2018].
- Office of Refugee Resettlement | ACF. (2018). *State of California - Programs and Services by Locality*. [online] Available at: <https://www.acf.hhs.gov/orr/resource/state-of-california-programs-and-services-by-locality> [Accessed 27 Jul. 2018].
- Rc.org.nz. (2018). *Refugee Council of New Zealand*. [online] Available at: <http://rc.org.nz/> [Accessed 27 Jul. 2018].
- Redcross.org.au. (2018). *Asylum seekers*. [online] Available at: <https://www.redcross.org.au/get-help/help-for-migrants-in-transition/asylum-seekers> [Accessed 27 Jul. 2018].
- Refugee Council Information: Asylum Support. (2018). [ebook] Available at: https://www.refugeecouncil.org.uk/assets/0004/3372/Asylum_Support_May_2018.pdf [Accessed 1 Aug. 2018].
- Refugeecouncil.org.uk. (2018). *How Can We Help You? - Refugees & Asylum Seekers UK*. [online] Available at: https://www.refugeecouncil.org.uk/how_can_we_help_you [Accessed 3 Aug. 2018].
- Refugeecouncil.org.uk. (2018). *I am seeking asylum - Refugees & Asylum Seekers UK - Refugee Council*. [online] Available at: https://www.refugeecouncil.org.uk/how_can_we_help_you/i_am_seeking_asylum [Accessed 27 Jul. 2018].
- Services for Asylum Seekers. (2015). [ebook] Auckland. Available at: <https://www.immigration.govt.nz/documents/refugees/servicesforasylumseekersaucklandenglish.pdf> [Accessed 24 Jul. 2018].
- Syrian Vulnerable PErsons Resettlement Scheme. (2017). [ebook] Crown. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/631369/170711_Syrian_Resettlement_Updated_Fact_sheet_final.pdf [Accessed 23 Jul. 2018].
- The Syrian Vulnerable Persons Resettlement Program. (2016). [ebook] Available at: <https://www.nao.org.uk/wp-content/uploads/2016/09/The-Syrian-Vulnerable-Persons-Resettlement-programme.pdf> [Accessed 1 Aug. 2018].
- Treating Asylum seekers with dignity and respond. (2017). [ebook] Auckland. Available at: https://www.hrc.co.nz/files/5715/0060/6797/ESC_Rights_Discussion_ONLINE.pdf [Accessed 24 Jul. 2018].
- Trust, A. (2018). *What We Do | Asylum Seekers Support Trust*. [online] Aucklandrefugeecouncil.org. Available at: <http://aucklandrefugeecouncil.org/how> [Accessed 27 Jul. 2018].

- Udahemuka, M. (2013). *'Marking Time': Experiences of successful asylum seekers in Aotearoa New Zealand*. [ebook] Available at: <https://tindall.org.nz/wp-content/uploads/2014/03/Marking-time-Experiences-of-successful-asylum-seekers-in-Aotearoa-NZ.pdf> [Accessed 1 Aug. 2018].
- USCIS. (2018). *Benefits and Responsibilities of Asylees*. [online] Available at: <https://www.uscis.gov/humanitarian/refugees-asylum/asylum/benefits-and-responsibilities-asylees> [Accessed 25 Jul. 2018].
- Wasem, R. (2005). *CRS Report for Congress- US Immigration Policy on Asylum Seekers*. [ebook] pp.1-14. Available at: <https://fas.org/sgp/crs/misc/RL32621.pdf> [Accessed 25 Jul. 2018].
- West-Newman, C. (2015). Changing attitudes: What if refugee lawyers and Maori wrote New Zealand's asylum seeker and refugee policy? *New Zealand Sociology*, 30(2), 10-25. Retrieved from <https://search-proquest-com.virtual.anu.edu.au/docview/1703203004?accountid=8330>
- Ww150.statcan.gc.ca. (2018). *Legal aid in Canada, 2013/2014*. [online] Available at: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2015001/article/14159-eng.htm> [Accessed 3 Aug. 2018].



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