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SUBMISSION: NATIONAL ACTION PLAN TO COMBACT MODERN SLAVERY 2020-2024

The Humanitarian Group is grateful for the opportunity to make a submission to the public consultation paper for the National Action Plan (NAP) to Combat Modern Slavery 2020-2024.

Background: The Humanitarian Group

The Humanitarian Group is a not for profit organisation focused on empowering vulnerable people by providing professional and accessible migration assistance, legal advice and education. We strive to do this in a way that embraces diversity and strengthens communities. We help people new to Australia from culturally and linguistically diverse (CaLD) backgrounds, including humanitarian visa holders, asylum seekers, refugees and people who are otherwise disadvantaged in their access to legal services and who are located in Western Australia (WA). Since its inception in 2002, The Humanitarian Group has grown to be a primary provider of specialist legal services to the recently-arrived CaLD community in WA.

The Humanitarian Group has seen an ongoing and increasing demand for our services, particularly from the cohort of people who have been identified as, or have indicators of, being a victim of Modern Slavery. In 2018 – 2019 we assisted 2400 people from 73 different countries.

Our services

The Humanitarian Group provides specialist immigration and legal services.

- a) We assist people seeking asylum to claim protection (including assistance with temporary protection visas). We assist permanent visa holders from humanitarian backgrounds to sponsor or propose family members for Australian visas through our Family Reunion Program and we assist clients seeking administrative review through the relevant administrative tribunals and courts.
- b) We provide immigration and general legal advice to victims of family violence from CaLD backgrounds.
- c) We provide a general legal service to clients from CaLD backgrounds about a broad range of civil, criminal and family law matters.
- d) We provide a wide range of Community Legal Education.

The Humanitarian Group also provides specialist legal migration services to CaLD people in WA who present with indicators of Modern Slavery, including:

[Community focused legal services for people new to Australia](#)

- a) Providing advice regarding a person's migration status and visa options, including the Human Trafficking Visa, Protection Visa and the Bridging Visa frameworks and representation where appropriate;
- b) Referring matters to the Australian Federal Police (AFP) when a client wishes to make a disclosure to the authorities of being a potential victim of Modern Slavery;
- c) Making relevant referrals to other agencies to support a potential victim; and
- d) Providing education to frontline workers such as refuge workers and advocates regarding the indicators of human trafficking, slavery or slavery-like practices and how to support a potential victim and the reporting mechanism and referral pathway in WA.

Our assistance is provided face to face in Perth or by telephone if the person is located in regional WA. Due to our office being a primary provider of specialist legal services in WA, we have an established network throughout WA to facilitate relevant referrals for support to other agencies including Red Cross, Salvation Army and Australian Catholics Religious Against Trafficking in Humans (ACRATH).

We are a member of the following groups:

1. WA Interagency Group on Issues of Modern Day Slavery and Human Trafficking:
 - a. Data subgroup committee.
2. WA Forced Marriage Network;
 - a. Steering Group Committee.
3. WA Freedom Network.

Between July 2016 and June 2018, The Humanitarian Group ran The VOICE Project, a Project specifically aimed at addressing the needs of victims of family violence from CaLD backgrounds through the provision of holistic and culturally appropriate legal education and advice services. As part of the Project, The Humanitarian Group established an active collaborative network with refuges and other interagency groups who assist or otherwise support these individuals. Although The VOICE Project has now finished, The Humanitarian Group has continued to provide high level, holistic and integrated assistance to victims of family violence from CaLD backgrounds and the support agencies working with those clients. We have experienced an increase in awareness of frontline workers within this network and in the reporting of potential victims of human trafficking, slavery or slavery-like practices within the context of a family violence situation.

The Humanitarian Group employs 5 lawyers/registered migration agents on a part or full time basis. In 2018 – 2019 our volunteers recorded 4,700 hours. Our volunteers included 34 legal and administrative volunteers, 138 bilingual volunteers, 12 pro bono lawyers and 8 internships and placements.

Introduction

This submission reflects the knowledge and experience of The Humanitarian Group. The submission focuses particularly on responding to the consultation questions relating to **'Do the 12 goals capture key areas of focus for Australia over the next five years?'** The submission provides information and examples from The Humanitarian Group's expertise to recommend additional goals.

Vulnerabilities of CaLD victims of Human Trafficking and Slavery

The clients whom The Humanitarian Group assists are from CaLD backgrounds and face special vulnerabilities.

The Humanitarian Group's clients are diverse in terms of culture, religion, level of education, language(s) spoken, levels of skills or qualifications and social or political backgrounds. They may not fall neatly into categories of disadvantage identified by traditional measures, such as region, socio-

economic status or local government area. Statistics in relation to the number of people born overseas, income, unemployment rates, level of education, social housing tenancies, Centrelink benefit recipients and ethnicity are crucial in providing an accurate demographic picture. However, they only tell part of the story for these clients.

Some of the particular vulnerabilities faced by our clients include the following:

- they have often come to Australia from backgrounds of torture and trauma;
- they frequently have limited capacity to understand, speak or write in English;
- they commonly come from environments where protection of human rights, enforcement of legal rights and access to justice has not been available to them;
- there are cultural differences at play which include fear of and resistance to accessing services;
- they are often fearful of losing their visa and returning to their home country;
- they find it particularly difficult to access the Australian legal system and to understand their rights. When they do access the legal system, they experience specific and significant challenges; and
- it is common for this group to additionally suffer from mental health issues, which further compounds the challenges they face.

Do the 12 goals capture key areas of focus for Australia over the next five years?

The goals provide an overarching framework to work towards. However, for continued progress to combat Modern slavery the strategy would benefit from the inclusion of more specific detailed goals based on identified issues building on learned knowledge of the previous National Action Plan.

Goal 5 train frontline officials to support the identification of victims and effective investigations of modern slavery

We are aware that the Department of Home Affairs (Home Affairs) and Border Force are provided with training and have a general understanding of the indicators of Modern slavery. However, in our experience, frontline officials often miss the subtle nuances of certain types of cases, primarily those individualised cases including those which occur within a family and domestic context. Often there appears to be a lack of awareness of the victim's vulnerability and why a victim may be unwilling to disclose to people in authority. This is despite clear indicators being identified later upon reflection.

CASE STUDY 1 – FEI*

Fei came to the attention of Home Affairs whilst heavily pregnant after being unlawful for several years and with significant mental health issues. She was placed on a departure pathway to be removed prior to giving birth until IOM referred her for assistance due to their concerns of Fei being a victim of trafficking and domestic servitude based on their limited initial interactions. The Humanitarian Group provided advice and representation and was advised by the status resolution team repeatedly that there were no indicators of human trafficking whatsoever when they interacted with her. However, the client was referred to AFP and the support for Trafficked Persons Program (STPP) and is now the holder of a Referred Stay Visa.

CASE STUDY 2 – Anisa*

Anisa is a holder of a permanent Partner visa. She entered a refuge and Child Protection and Family Services requested information regarding her visa status from Status Resolution as she could not provide the information herself. Several months later a Partner visa (family violence section) processing team received emails from her relative requesting help stating Anisa had gone to her home country with her husband and children. Her husband had left her away from her family, taken her documents including her passport and money and returned to Australia with their children. She wanted help as she was desperate to return to Australia to her children and did not know how to or if she was allowed to return due to her lack of knowledge about her visa. Home Affairs were also advised that she did not speak or read English and could not use email and provided her current overseas telephone number. The Partner visa section took over 4 weeks to respond, after a second email asking for help was received, they replied by email, in English, advising she was a permanent resident and could return but needed a passport and to contact the Australian High Commission (AHC) in Dubai for assistance. She facilitated her own travel to UAE and it took two attempts at speaking to the AHC due to not having an appointment. No interpreter was obtained by the AHC nor was there a satisfactory review of her ICSE notes made on the first attendance. It took a few more days until she arrived back in Australia borrowing money and organising her own travel. She was placed on the STPP upon arrival. This case study reflects the intersectionality between family violence and Modern Slavery

Unfortunately, these are not the only examples we can provide in regards to clients to whom we have provided advice where there are clear indicators that they are victims of Modern Slavery. These people have interacted with the Department and have not been identified as potential victims and have not immediately been referred for support. The examples above are to illustrate that although providing training to frontline officials as stated is a goal, for a subsequent NAP, it should be considered as a baseline to be continued rather than a goal which indicates it is to be an achievement to accomplish. The next NAP should drill down further to the progression from a previous goal which has and continues to be implemented.

We recommend that a goal should be to have a clear internal review process for people who have been identified as victims or potential victims of Modern Slavery including those who have been referred to the AFP or the STPP. This would provide an opportunity for reflection and learning for frontline officials. The review could include ascertaining whether there has been communication with Home Affairs or Border Force by the victim and/or alleged perpetrator. It would provide an opportunity to see if there were any missed intervention opportunities or if the response provided by the team responsible was sufficient or could be improved if repeated. Frontline officials and team leaders/managers can learn from real life timely cases about how to support the identification of victims and facilitate effective investigations of Modern slavery. Further training should then given to frontline officials to upskill them appropriately.

Goal 12 work collaboratively across government, along with non-government stakeholders, to combat modern slavery.

There is a need to work collaboratively on a national and at a local level. The Humanitarian Group is highly involved on a local level working with government and non-government agencies to establish strategies to prevent and highlight the prevalence of Modern Slavery issues in WA. We also work to

support victims and ensure the established referral network is maintained and utilised. The demography and needs of a victim in WA may be different to one in Sydney or rural Victoria.

The Humanitarian Group is not an organisation invited to the National Round Table, neither are we an organisation invited to apply for the National Community Crime Prevention Program: Modern Slavery Grants. We acknowledge the expertise and experience that organisations who are invited and contribute to the discussions at a national level. However, we wish to raise that there is a lack of presence from WA based organisations, which considering the size of the State and its remoteness is a concern. Victims are located throughout Australia and a response is needed from client facing organisations to ensure that they are recognised and supported on a local level.

There are established networks between agencies who work in different sectors which are an untapped resource for identification and support of victims. For example, in WA there are strong established legal and social networks to support victims of family violence, migrant employment rights and settlement services. These are the networks we are currently using to increase awareness of Modern Slavery, indicators, and to support victims whether they are willing to report their experiences to the authorities or not.

In the last few years the members of the WA Interagency Group on Issues of Modern Day Slavery and Human Trafficking government and non-government stakeholders have been working collaboratively which has led to an increase in awareness and identification of potential victims on WA. However, it would greatly benefit from a paid co-ordinator dedicated to ensure its continuation and progress.

We recommend that goal 12 should be expanded to provide more specific details about what collaborative efforts are to be achieved in the NAP and they should acknowledge the need to work on a national and a local level. We recommend the inclusion of a commitment to engaging non-government organisations working in this area who are not currently engaged.

We also request that the funding available under the NAP is available to be granted to a wider number of organisations.

Conclusion

We thank you for the opportunity to make a submission to the public consultation paper for the National Action Plan to Combat Modern Slavery 2020-2024. We also appreciate the provision of a 7-day extension to submit our submission.

It is our experience that CaLD migrants are extremely vulnerable to Modern Slavery, less able to obtain advice about their experiences and face particular challenges when needing support when they do disclose and report to non-government agencies and government authorities. We hope the insights of our clients and our professional experience and expertise can inform the development of strategies to progress Australia's response to preventing, identifying and supporting victims of Modern Slavery.

Please do not hesitate to contact us should you require any additional information.

Yours sincerely



Carol Child
Executive Manager, **The Humanitarian Group**

* Client's real names have not been used in case studies.