

**Briefing document for the Australian Churches Refugee Taskforce
Refugees, people seeking asylum in Australia, on Nauru and Manus**

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Overview of context

How did we get here? A brief overview of policy changes since 2012

Since the Federal Coalition came into government in 2013, the Department of Immigration have deemed people seeking asylum who arrived by boat as “Illegals”. Even though under the Refugee convention it is legal to seek asylum regardless of your mode of transport and whether you have papers or not.

August 13 2012

- The Expert Panel on Asylum Seekers announced that there would be “no advantage” given to people who had come by boat seeking asylum.
24000 or so people who arrived after that date have faced the risk of being sent to Nauru or Manus, had a bar preventing them from applying for protection in Australia and were not allowed to work

2013 - Pacific Solution Mark 2 –

- The Regional Settlement agreement was signed with PNG and later with Nauru, everyone who arrived by boat after this date was to be sent to Manus or Nauru without exception.
- 3,127 people were sent to Nauru or PNG as part of offshore processing arrangements

2014

- Removal of right to funded legal assistance for people seeking asylum who came by boat. Community legal centres helping these people lost 85% of their funding.
- Fast Track Process introduced (see below)

2015

- People who came by boat seeking asylum in 2012 were finally given permission to apply for protection. People had NOT been able to work or study in those 3 years. People who had the “get up and go” to make it to Australia despite the journey had been languishing in a legal limbo for 3 long years.

2017

- January - Government sent letters to people seeking asylum threatening to cut their financial support off if they didn't lodge their applications
- May – Government announce the “Lodge or Leave” Deadline of October. Dutton said that anyone who didn't lodge their protection visa application would be deported.
- 1 October deadline – only 71 people nationally didn't lodge

2018

- Status Resolution Support Services (SRSS) – a safety net for people who haven't got a job and are waiting for their visa decisions to be finalized – is cut from 400 people a month from August. The government aims to remove 7000 people from this support. The result of cutting this critical financial support has seen large numbers of people who came here seeking asylum being left homeless and hungry. The Department started with single people and then moved on to families.

Why hadn't people lodged their protection visas sooner?

When funding was cut for legal services, access to free interpreting services were also cut.

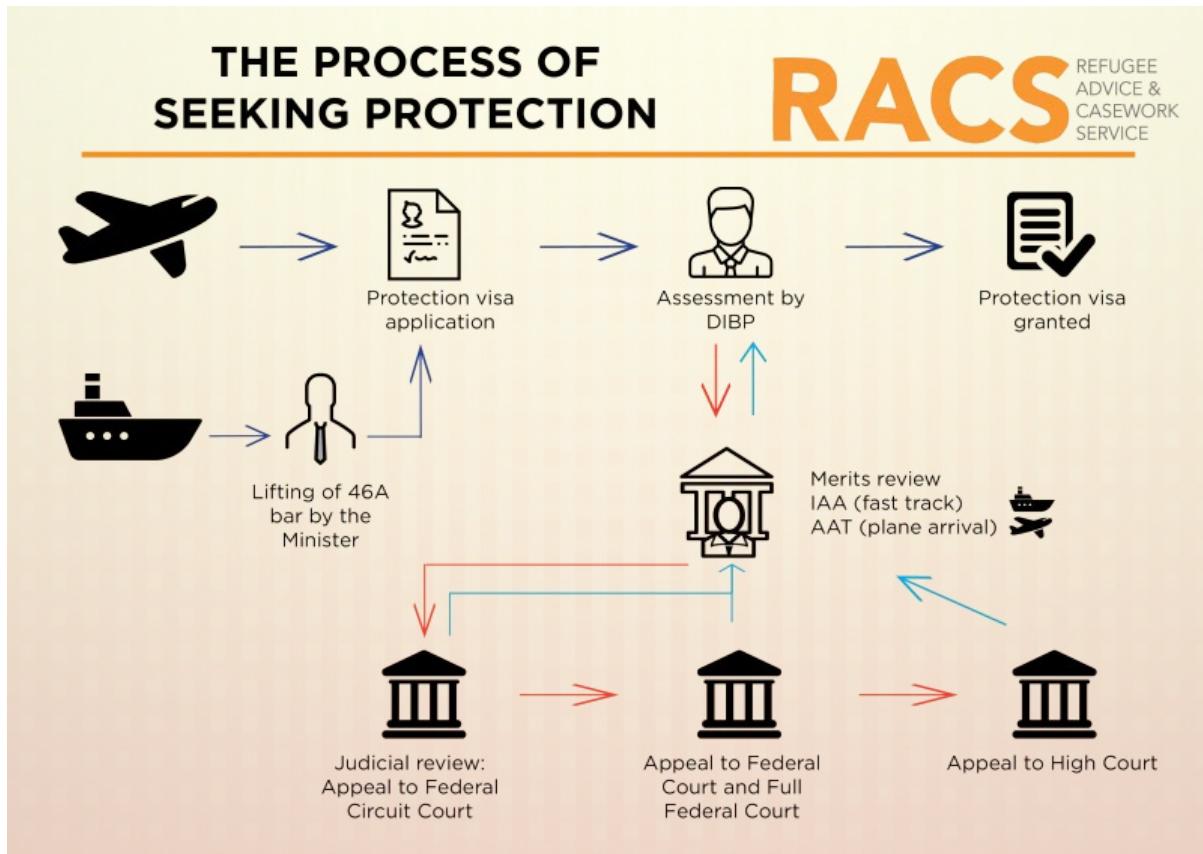
Community legal centres had set up clinics, where a lawyer, supported by student volunteers, supervised pro bono lawyers from top tier firms to provide statement taking services. Many of the firms were keen to help. However, the stumbling block was having enough refugee community legal centre lawyers who were “experts” and could supervise the pro bono lawyers, and access to interpreters. Interpreting costs \$120 an hour. The community legal centres relied on volunteer interpreters, but they had day jobs and weren't always available.

In January 2017, due to these obstacles, after 2 years of helping people with their applications, the refugee legal centres still had 8000 people on their waiting list. The government had refused to provide free interpreting despite years of lobbying.

Process for seeking protection

What is the process for seeking protection in Australia?

The process is different for people who come by plane and those who came by boat.



Source: [Refugee Advice & Casework Service](#)

Plane vs Boat Arrivals

What are the differences between the protection visa process for people who arrive by plane and by boat?

- Those who came by boat, generally don't have permission to lodge a protection visa application in Australia – they have to wait until the Minister for Immigration gives them permission. They have to go through the Fast Track process and be assessed as to whether they are a refugee or not.
- People who come by plane don't need permission to apply for a protection visa.

Types of visas for refugees in Australia

- Since April 2015, people who came by boat have been given permission to apply for protection. At this point a person had to decide whether to apply for a Temporary Protection Visa (TPV), a 3 year visa, or Safe Haven Enterprise Visa (SHEV), a 5 year visa. This visa stipulates that if a person moves to a regional area and works or studies there for 3 ½ years they may be able to apply for a more permanent visa, for example skilled migrant or partner visa.
- People who come by plane and are found to be refugees get a permanent visa, can apply for their families to come here and get citizenship after a period of time.

Seeking asylum – modes of arrival, different visas

	 TPV	 SHEV	 PPV
Length	3 years	5 years	A permanent visa
Visa options after expiry	<ul style="list-style-type: none"> Can apply for another TPV or SHEV. Cannot apply for a permanent protection visa. Cannot apply for any other visa. 	<ul style="list-style-type: none"> Can apply for another TPV or SHEV. Cannot apply for a permanent protection visa. If you meet the regional work/study test, you can apply for a work, student or family visa. 3 ½ years in a regional area not using special benefits 	No further visas necessary: can apply for citizenship.

Application process

- Applying for protection is very complex. A dense application form must be completed in English. A complete list of everywhere you have worked or lived since you were born must be noted down and you must articulate why you fear returning to the country you fled from. This may be the first time you have ever expressed these fears. If you get anything wrong it could be a significant mistake.
- Some time after the application form is lodged, the Department then sends a letter inviting a person to attend an interview with an officer of the Department of Immigration. For some clients at the Refugee Advice and Casework Service, it has taken years of waiting for an interview. Some people who arrived by boat in 2013 and lodged by October 1 2017, still haven't had an interview (2019).
- After this interview, the officer will make a decision about whether the person needs Australia's protection and whether they should get a visa.
- If they assess the person as needing Australia's protection, then Immigration will conduct some criminal and security checks to verify that the person is not a security risk to Australia. Health checks are also carried out.
- If all these checks are fine, then the person will be granted the visa that they applied for, either a permanent protection visa if they came by plane, or a TPV or SHEV if they came by boat.
- If not, the person has a short window to appeal for a review.

Review of the Department's decision

- Administrative Appeals Tribunal - Plane arrivals can have an independent decision maker review their application and interview them.
- Immigration Assessment Authority (IAA) -People who came by boat do not have the chance of a second interview, their initial application is reviewed "on the papers"with no new or additional information.
- Lawyers are concerned about the procedural fairness of the IAA.

Impact of these policies?

People who came by boat can only be granted a temporary visa:

- Once people have survived the challenge of the process, they have to manage the challenge of trying to live on a temporary refugee visa.
- The TPV and SHEV framework has an extraordinarily negative psychological impact on many of refugees and people seeking asylum who have experienced significant trauma.
[Australian Human Rights Commission "Lives on hold:Refugees and asylum seekers in the 'Legacy Caseload" Executive summary 2019'](#)
- Temporary visas keep refugees in Australia in a state of flight forever. Every 3 or 5 years people will have to reapply. People who have been here for 6 years are getting a 3-year visa. The renewal process has already started, however no visas have been granted. We are concerned that people who don't apply may be deported. (This information was gathered at a refugee legal centres' meeting with DOHA)
- The limited duration of these visas erects significant psychological barriers to rebuilding a life in a country of refuge.
- Evidence from Australia's previous experience shows that TPV-holders lived with enduring and elevated anxiety due to the fear of being returned to the place in which they fear harm after the end of their TPV or SHEV
- This prevents those people that Australia has recognised as refugees from embarking upon meaningful settlement into life in Australia.
- Research findings from 2003 "illustrate a clear and unequivocal connection between the visa status of refugees on TPVs and self-reported feelings of distress, despair and depression. The deep uncertainty associated with the TPV severely restricts the capacity of refugee participants to recover from a traumatic past, as well as to dream for a better future." Source: Greg Marston, July 2003 "*Temporary protection, permanent uncertainty : the experience of refugees living on temporary protection visas*"
- **The Refugee Trauma and Recovery Project at UNSW**– Dr Nickerson and Dr Liddell's research on mental health and visa status indicates that insecure residency is associated with increased mental health symptoms, higher trauma exposure and post-migration stressors. Source: *Presentation at SSI conference on Cultural Perspectives 2016*
- Their research found people on insecure visas had twice the rates of depression (40% of people compared with 20% for refugees with secure residency)
- The current version of the TPV is more punitive than the framework which existed under the Howard Government.
- Any argument that TPVs might deter people-smuggling ventures or prevent deaths at sea is spurious and should be subject to rigorous examination. .
- There is extensive, credible evidence that TPVs have enormous, ongoing costs in terms of human suffering and mental health.
- These costs will be mainly borne in the Australian community.

No Family Reunion for people on TPVs and SHEVS:

This has profound impacts on people who have been found to be refugees and to be owed protection.

- They are preoccupied with worrying about their family, who are still in the places they fled from.
They have been separated from them since 2012 (currently 7 years)
- Economically constrained – sending money overseas to support family
- Lonely
- Despondent about separation from their families, their parents, wives and children, who they haven't seen for 7 years to date. Many of these relatives still live in extremely dangerous situations.
- Consumed with guilt because they haven't been able to reunite their family
- Refugee law changed when most of these people were on their way Australia or was retrospective, after their arrival. When people left Indonesia or Malaysia, permanent protection and family reunion had been a possible future.
- Even for those people who arrived before 2012, Direction 72 stipulates that people in this cohort are to be placed at the end of the visa process line for family reunion applications and will only be considered for family reunion visas if they get citizenship.
- Citizenship delays and now possible citizenship changes threaten even this possibility
- How can people settle? What does this do for social cohesion and wellbeing of a community when there are lots of unhappy, desperate people struggling to survive? People who have not seen their families for 7 years are left not knowing if they will ever see them again.
- Of the 24,000 people that came to Australia between 2012-2014, 20,000 were male and 4000 were female. That is a lot of men separated from their loved ones. Temporary protection is cruel, callous and unnecessary.

Onshore processing

Current statistics 30/9/19

- 32,000 in legacy caseload (includes people who arrived before August 13 2012 but hadn't received a visa decision)
- 25,957 have been decided
- 16,325 owed protection
- 5476 - TPV
10845 – SHEV
- 6500 people still awaiting a primary decision after 7 years
- 7000 - Refusals at primary and IAA
- SHEV renewals will start in 2020, with the bulk in 2020/21

Immigration Detention

485 is the average days spent in immigration detention. Source: Department of Home Affairs.

1,352 people are in detention in Australia. 455 arrived ‘unlawfully’ by air or boat. 897 arrived ‘lawfully’ and were taken into immigration detention for overstaying or having visas cancelled. Source: Department of Home Affairs.

781 people in community detention in Australia. 284 are in Queensland. 236 are in Victoria. 145 are in New South Wales. Source: Department of Home Affairs.

Children in onshore detention

- Children considered as guests when they are with their mothers (who are detained) as according to Australian Border Force the children could leave any time they wish.
- The numbers of children in this situation is not clear at the moment. The Churches could play an important advocacy role here in asking for alternatives to detention for people with children.

Statelessness

- Children born in Australia to people seeking asylum who are stateless are able to apply for Citizenship.
- The practice of the Refugee Advice & Casework Service has been to wait til the parents are found to be refugees and then apply for citizenship for those babies born in Australia.
- This is a complex process and requires legal assistance as the Citizenship application needs to align with the protection visa application.

Offshore detention

"Politicians and spin doctors have sought to convince the Australian public that empathy and common decency are naïve. But the approach taken since 2013 has demonised and punished people we know need help and protection, evidenced by the fact that the vast majority have been recognised as refugees. Their continued suffering, with no end in sight for many, is plainly wrong. Worse than this, a policy that knowingly and unrelentingly harms children for political ends is an abomination. There can be no three word slogans to justify it. There are no excuses."

Indrika Ratwatte, UNHCR Director of the Bureau for Asia and the Pacific. (Quoted in 'Refugee Rights & Policy Wrongs' by Jane McAdam and Fiona Chong)

More than 3,000 refugees and people seeking asylum have been forcibly transferred by Australia to the offshore processing facilities since 2013.

Plane arrivals and recent media and government debate

- Whilst raising issue of delays in visa processing is helpful, there is concern that flagging the increase in the number of people who arrive by plane and then claim asylum could lead to further negativity around the issue of seeking asylum.
- Concern for people waiting for their visa applications to be assessed as they may be open to exploitation and slave-like working conditions.
- It has been reported that approximately 10% of people who arrive by plane and then claim asylum are found to be owed protection.
- However, long delays in processing can lead to years of waiting whilst a final decision is made on their application for protection. These people are extremely vulnerable. Once they reach the judicial review stage, which can take up to 3 years, they may not be allowed to work. Homelessness and increased rates of suicidal ideation are major risk factors. Source: "Cuts to Support for People Seeking Asylum", August 2018 [Refugee Council of Australia factsheet](#).
- These critically important issues should not be forgotten in the political rhetoric around the increase in people arriving by plane and claiming asylum.
- It is legal to seek asylum, regardless of how you arrived.

Medevac

Medevac – the case for legislation

- There are critical and unmet health needs, including inadequate emergency medical care, mental health support, and torture and trauma counselling.
- The cumulative rates of depression, anxiety and PTSD among refugees and people seeking asylum exceed 80 % on both Manus and Nauru "the highest recorded in the medical literature to date",

- Rico Saledo "Update on Humanitarian Situation Of Refugees and Asylum Seekers on Manus Island" UNHCR Press Briefing, 13/2/18 quoted in "Refugee Rights and Policy Wrongs" McAdam and Chong
- 2018 – Australian Medical Association urged PM to address "a humanitarian emergency requiring urgent intervention"
- Cases brought to Federal Court of Australia to seek urgent medical transfers – most were granted.

Kerry Murphy, human rights lawyer wrote in Eureka Street on 13 February 2019

<https://www.eurekastreet.com.au/article/medivac--the-unneeded-bill-we-sorely-needed>

"Medical services in Nauru and Manus Island for the refugees are provided under a memorandum of understanding between the Commonwealth and an entity called 'International Health and Medical Services' (IHMS). IHMS medical staff recommended people be sent to Australia for urgent medical treatment because the services available in Nauru or Manus were inadequate. The problem was that Border Force bureaucrats were refusing to transfer these people to Australia and tried to have them treated elsewhere in Papua New Guinea, or Taiwan.

In his article, Murphy explained that:

- Australia has entered an agreement with Taiwan to provide medical treatment for refugees from Manus or Nauru, but if the person does not consent to go to Taiwan, Taiwan will not agree to the transfer. The refugees were also able to get reports from medical staff not with IHMS, including a psychiatrist with Médecins Sans Frontières (MSF), until Nauru cancelled the visas for MSF staff in Nauru.
- A number of cases were brought in the Federal Court for injunctions to allow people to be transferred to Australia for urgent medical treatment, and in nearly all the reported cases the orders for transfer to Australia were given.

Why is Medevac needed?

- Cases taken to the Federal Court for these injunctions illustrate why the supposedly unnecessary Bill was actually necessary.
- Medical transfers were commonly blocked or delayed (for years) by the government, even against the clear advice of doctors. This had resulted in unnecessary deaths. Hamid Kahazaei, who died of an infection from a cut on his foot due to delays in appropriate medical intervention, is a good example of why doctors should have the authority to recommend transfers to Australian medical care.
- The bill that passed the House is actually very limited because it only applies to people now on Nauru or in PNG.

The Medevac Bill March 1 2019

- The Medevac bill – provides that if two doctors recommend transfer to Australia of someone who requires medical or psychiatric assessment or treatment because the relevant treatment is not available in Nauru or PNG, then the Minister has 72 hours to oppose this on the basis of limited reasons.
 - Is the person an ASIO identified security risk?
 - Has the person a substantial criminal record (has been sentenced to prison for at least 12 months)?
 - Is the treatment available in Nauru or PNG?

If the Minister opposes the transfer on medical grounds, then the case is referred to a government-established medical panel who must decide within 72 hours whether the transfer should go ahead. The Minister then has another 24 hours to decide if the transfer should be stopped because of an ASIO assessment or the substantial criminal record assessment.

Government's position

The government states Medevac will reopen the boats coming to Australia, despite the limited scope of the bill, i.e the need for a person to be extremely unwell and in need of specialist medical care.

Minister Dutton says Australia is being 'conned'.

- Minister Dutton says Government brought people here for medical attention before Medevac. The [Australian Human Rights Commission says 60% of the transferees in 2018-19 occurred due to actual or threatened litigation.](#)
- Minister Dutton has suggested bad people can come here under Medevac, however the minister has the right to veto transfers. He says 6 people are here who he deems are of bad character but wouldn't say whether they are in detention here.

Challenging the Government position

- Once in Australia, the medical transferees cannot apply for any visa (including a bridging visa) without the express permission of the Minister.
- Medevac is working as intended – medical decision making into the hands of medical professionals.
- Government stirring up fear over this is a "cynical political exercise" (RCOA)
- Anyone with a character matter, whether living in Australia or transferred from Manus or Nauru, is generally kept in held detention.

If Medevac is repealed

- A repeal of the bill would mean that people in need of urgent medical care would have to go to court again in order to get the medical treatment and care they require. This is costly and slow.
- Really sick people need a process that can meet their urgent needs.
- Doctors, not bureaucrats, need to make decisions about people's health. Clinical decisions require medical professionals.

Delays in transfer/delays in treatment

- Unfortunately, despite the bill being in place, there are significant delays in people who have been Medevac approved being brought to Australia.
- By mid-Feb 2019, 1246 people had been medically evacuated from Manus and Nauru. (RCOA offshore processing statistics), many as a result of court orders or other legal action.
- Number of people transferred under Medevac since March 2019: 130
- Once people are here they are held in detention and have to wait a long time for treatment.
- Being put on bridging visas is often disastrous for this cohort as they often need the support that they get. Bridging visas do give people legal rights to work, but not all will have capacity to work.
- People are genuinely unwell – the recent suicide of a doctor from Afghanistan who spent years languishing in Nauru and 2 years in Brisbane in community detention is a good example of the type of person requiring medical specialist assistance. <https://www.theguardian.com/australia-news/2019/oct/17/afghan-man-dies-in-brisbane-two-years-after-medical-transfer-from-manus-island>

There are also significant delays in people in onshore detention receiving specialist help. See article below.
<https://www.theguardian.com/australia-news/2019/oct/22/man-waits-years-for-hepatitis-c-medication-after-immigration-detention-transfer>

Current situation in PNG & Nauru

- Extensive documentation about risks of refoulement, serious human rights violations, the lack of durable solutions, and coerced repatriation or resettlement (850 people have gone back to where they fled from)

- People are being moved from Manus to Port Moresby
- 53 people have been held in Bomana Immigration detention –
- Father Giorgio Licini from Catholic Bishops Conference in PNG – spoke about his concerns: <https://www.rnz.co.nz/international/programmes/datelinePacific/audio/2018718879/catholic-church-calls-out-australian-cruelty-at-bomana>
- Concern for a man who witnessed Reza Berati's death who is being held in this detention centre but has been approved for medevac. He was a key witness in the trial of two men charged with murdering his friend.
- No phones. No communication
- At least 20 of the 53 have never had their refugee status properly assessed <https://www.theguardian.com/australia-news/2019/oct/10/asylum-seekers-approved-for-medevac-transfers-detained-in-port-moresby>
- As of October 2019, 10 of those people are returning to where they fled from.

According to Secretary of Dept of Home Affairs, Mike Pezzullo – Senate Estimates 21/10/19

"As at 30 September this year, the relevant population in Papua New Guinea and Nauru was 562 people—about 23 per cent of peak levels in June 2014. Another 1,117 people have been temporarily transferred to Australia for medical treatment or as accompanying family.

As at 30 September this year, 632 refugees from Papua New Guinea and Nauru have been resettled in the United States. Australian and United States officials have contacted all eligible refugees in Nauru, Papua New Guinea and Australia to confirm their ongoing interest in resettlement. The United States is working through all outstanding cases, with the intention to conclude interviews by the end of the year."

- Minister Dutton expects the US to take about 250 more refugees from Australia as part of the refugee swap deal. The US has so far taken just 632 refugees out of the "up to 1,250" it first promised.

Number of people who have died in Manus or Nauru: 12

Number of people remaining on Manus: 4

Additional useful data can be found here:

<https://www.asyluminsight.com/statistics#.Xa6wTLLZWfA>

The US deal

- the singling out of particular nationalities is especially significant, since most of those left in Nauru and PNG are from Iran (329 in Nauru as of 21 May 2018), and there are significant numbers of people from Somalia (61 in Nauru as of 21 May 2018).⁵⁶ Nearly half (47%) of the people on Nauru on 21 May 2018 were from countries subject to 'extreme vetting'.
- According to The Guardian, the Australian government defended a policy encouraging refugees held on Nauru to sever ties with their families – including relinquishing all rights to ever see their children – in order to be considered for resettlement in the US. <https://www.theguardian.com/world/nauru>
- Border Force told Nauru refugees to separate from family if they want to settle in US
- In dozens of cases, their immediate family members have been left on offshore islands and told that, if they want to be considered for resettlement under the US deal, they must abandon their families, or encourage their families to return to offshore processing, even in defiance of doctors' advice.

Community Sponsorship Refugee Initiative (CRSI)

CRSI is a joint initiative of Save the Children, the Refugee Council of Australia, Amnesty and Welcoming Australia. The Australian Churches Refugee Taskforce (ACRT) and Rural Australians for Refugees (RAR) are affiliated with the initiative.

CRSI is aiming to secure the establishment of a community refugee sponsorship scheme in Australia, whereby ordinary members of the Australian community could contribute their time and resources to sponsor the resettlement of refugees into their communities from overseas. The vision for such a scheme is inspired by the successful Canadian scheme that has operated since the late 1970s and has seen more than 300,000 people resettled in Canada, in addition to those resettled through the government-funded program. Canada's experience is now inspiring similar schemes in countries around the world including in the United Kingdom, Ireland, Argentina, Spain and Germany.

CRSI was established as a joint venture initiative between a number of established not for profit organisations in April 2018 and recently secured funding from the Sidney Myer Fund, allowing the initiative to employ dedicated staff for the first time and scale-up its advocacy for the introduction of a community sponsorship scheme in Australia.

CRSI aims to adopt a non-partisan, positive and constructive tone in all of its private and public advocacy and is keen to ensure that the topic of community sponsorship does not become the subject of partisan politics. It wishes to consolidate its role as the 'go-to' civil society body with whom government and other stakeholders can discuss and develop plans for a future community sponsorship scheme. It also hopes to guide and oversee the successful initial introduction of a new community sponsorship scheme in Australia.

The scheme hopes to increase the number of refugees settled in Australia by utilising the concept of additionality – in addition to, not out of, the current humanitarian refugee places. This would increase Australia's capacity to settle refugees, whilst not increasing the cost to taxpayers, as community sponsors would commit to supporting the sponsored refugees for the first 12 months, finding work, housing and other settlement support.

Benefits of sponsorship

There are many benefits of sponsorship for new refugees, the individuals and communities that welcome them, and the broader Australian and international community. Importantly, community sponsorship can help achieve the government's current priority of increasing and supporting the migration of humanitarian migrants to rural and regional Australia.

Sponsored refugees

- Additional avenue for resettlement, with the opportunity to build a new life in safety
- Holistic, intensive and personalised support to successfully settle, find employment, learn English etc

Local communities and residents

- Develops community capacities and pride
- An antidote to disengagement and loneliness
- Increased population/ rejuvenation of shrinking/aging towns and regional/remote locations

Local sponsors

- Satisfaction of helping others in need
- Developing new local connections and friendships

Local businesses/industry in regional locations

- New pool of reliable local labour
- Enlarged local customer base

Other refugees and migrants

- Benefits of greater mutual understanding and increased engagement between general community and new migrants, triggered by sponsorship
- Maintains public support for the humanitarian migration program and compassionate policies with respect to refugees by bringing established communities into closer contact with new arrivals

Australia foreign policy and the international community

- Australia's ability to do more to respond to global need at minimal additional cost to the taxpayer
- Encourages other countries in the region to pursue more proactive or innovative responses to forced migration
- Associated benefits for Australia's international goodwill and leverage in regional/international migration issues

What changes could ACRT recommend?

- End the cruel temporary visa regime, and re-introduce permanent visas for everyone found to be a refugee.
- Under the Coalition, bring in amendments to SHEV pathways to permanency that make a permanent visa achievable. For example, modified regional skilled visas for refugees which have a competency English test rather than IELTS. Or develop a language program that people on SHEVs can take, with a test at the end providing proof of English competency. People like tilers, painters or other jobs on the skilled list do not need University level English to succeed in Australia or do their job.
- Reinstate the SRSS safety net support for people waiting for a visa decision.
- Ask the Government to re-introduce less onerous eligibility criteria for SRSS, so that it provides an adequate safety net for vulnerable people, particularly people with young children, or the elderly.
- Allow people who came as unaccompanied children to bring their families here.
- Remove restrictions on family reunion for people who came by boat
- Reduce processing times – 7000 people who arrived by boat in 2012/13 still waiting for a visa decision. Significant delays for people who arrived by plane.
- Make the protection visa decision making process more transparent.
- Get rid of the IAA, unfair and problematic process, and reintroduce a single review pathway, where people who arrived by boat can access the AAT and have a second hearing not just a review of their primary application by a second set of eyes. Current process is unfair.
- Provide free interpreting and legal support to people seeking protection.
- Close down off-shore processing
- Develop clear and transparent return processes where this is the last resort
- Provide government funded, confidential specialist refugee legal services to people seeking asylum and refugees. Under the temporary protection visa regime, there is a significant risk of refoulement of unrepresented refugees going through the visa renewal process.