Australian Government assistance to refugees: fact versus fiction

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Introduction

In recent years a series of emails have been widely circulated throughout Australia claiming to describe the social security entitlements of refugees compared with those of other Australian residents. A common claim in these emails is that refugees in Australia receive higher social security benefits than age pensioners. Some also suggest that refugees receive free gifts such as houses. Claims of this kind are erroneous and appear to have caused some confusion in the community. They are often brought to the attention of senators and members by their constituents.

This Background Note describes the current situation with regard to refugee entitlements to social security and other assistance in order to clarify this issue.

The assistance to refugees and asylum seekers described in this Background Note is longstanding and has bi-partisan support. Such support is consistent with the overall obligation and commitment by Australia to provide protection for refugees and resolve refugee situations.

Origins and veracity of the ‘refugee emails’

A range of emails have been circulated in recent years that are critical of Australian Government assistance to refugees.1 A common theme in such emails is the claim that refugees receive more generous social security entitlements than other Australian residents. This Background Note focuses on prominent recent example of such emails—those claiming that refugees in Australia receive substantially higher benefits than Australian age pensioners.

The information in the emails appears to have originated from emails that began to circulate in Canada in 2004.2 These were a response to a story in the Toronto Star in March 2004 about plans to settle hundreds of African refugees in smaller Canadian cities. The article had somewhat ambiguously described the amount of financial assistance that would be provided to the refugees by the Canadian Government. This led one reader to incorrectly assume that the refugees would be receiving benefits at twice the rate of Canadian age pensioners.


Based on this misunderstanding the reader is thought to have then circulated an email condemning the level of benefits available to refugees in Canada compared to that available to pensioners. The claims made in this email were subsequently published as a letter to the editor in the Toronto Star and circulated widely by email throughout Canada. The claims then began to appear in emails and letters to the editor in other countries such as the United States and Australia, with the names of those countries used in substitute for Canada.3

The important points to take from this are:

- the information in the emails is based on a misunderstanding of the support provided by the Canadian Government to refugees and
- as a result, the assistance referred to in the emails is based on Canadian social security payments, rather than Australian payments.

On these grounds alone the information in the emails can be regarded as erroneous. In August 2007, the then Minister for Families, Community Services and Indigenous Affairs, Mal Brough, described the emails as ‘junk’ and urged people who receive them to ‘send them straight to the trash can’.4

Australia’s refugee and humanitarian program

Australia’s Immigration Program has two components:

- the Migration Program for skilled and family migrants and
- the Humanitarian Program for refugees and others in refugee–like situations.

The Humanitarian Program can be divided into offshore and onshore components. The onshore component applies to those already in Australia who make applications for a Protection Visa (refugee status). These include people who arrived with a valid visa and who have been staying in the Australian community, and people who have arrived in Australia by sea or air without a valid visa—described by the Department of Immigration and Citizenship (DIAC) as ‘unauthorised arrivals’. Those found to be in need of protection are granted a permanent Protection Visa, provided they meet health and character requirements.5 The onshore component fulfils Australia’s international

3. For examples of the letters to the editor published in Australian newspapers, see P Crawford, ‘Pensioners may need to sail here’, Herald Sun, 3 August 2007; F Inglis, ‘Pensioners worse off than refugees’, Cairns Post, 28 August 2007; B Plume, ‘Pensioners better off as refugees’, Cairns Post, 9 February 2008. These can be viewed at http://www.abc.net.au/mediawatch/transcripts/s2191987.htm
obligations to offer protection to people already in Australia who are found to be refugees according to the Refugees Convention.6

The majority of refugees in Australia are resettled from other countries (offshore) through Australia’s offshore humanitarian resettlement program. The offshore resettlement component comprises two categories of permanent visa:

- the Refugee category for people who are subject to persecution in their home country, who are typically outside their home country, and are in need of resettlement. The majority of applicants who are considered under this category are identified and referred by the United Nations High Commissioner for Refugees (UNHCR) to Australia for resettlement
- the Special Humanitarian Program (SHP) category for people outside their home country who are subject to substantial discrimination amounting to gross violation of human rights in their home country. A proposer who is an Australian citizen, permanent resident or eligible New Zealand citizen, or an organisation that is based in Australia, must support applications for entry under the SHP.7

The offshore component expands Australia’s international obligations by offering resettlement to people overseas for whom this is the most appropriate option (known as the offshore resettlement component).8

Asylum seekers

The term ‘asylum seeker’ applies to those people seeking refugee status. According to the United Nations High Commissioner for Refugees:

An asylum seeker is an individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she submitted it. Not every asylum seeker will ultimately be recognised as a refugee, but every refugee is initially an asylum seeker.9

In the Australian context, the term asylum seeker refers to Protection visa applicants awaiting final determination by DIAC or the Refugee Review Tribunal.

Many asylum seekers applying for protection in Australia are people who have arrived with a valid visa and subsequently apply for protection.10 Most of these applicants will receive a bridging visa upon lodging an application and may remain in the country while their application is finalised. Those

7. Ibid.
8. Ibid.
who arrive or are found to be without a valid visa are regarded as ‘unlawful non-citizens’ and, under the Migration Act 1958, must be detained.\(^{11}\)

The two main forms of detention are immigration detention centres and community detention. Immigration detention centres detain people who have overstayed their visa, breached their visa conditions and had their visa cancelled or have been refused entry at Australia’s entry ports.\(^{12}\) They also detain unlawful non-citizens seeking refugee status, including those who arrive in Australia by boat. Asylum seekers who arrive without a valid visa at an excised offshore place are initially detained, usually at Christmas Island.\(^{13}\)

Under the Rudd Government’s ‘New Directions in Detention’ policy announced in July 2008, detention policy and practices are to be guided by seven ‘key immigration detention values’. The values commit DIAC to ‘detention as a last resort, to detention for the shortest practicable period and to the rejection of indefinite or otherwise arbitrary detention’.\(^{14}\)

A further feature of the ‘New Directions in Detention’ policy is that children and, where possible, their families, are not to be detained in an immigration detention centre. Instead, the Government’s policy is that ‘the priority will always be that children and their families will be promptly accommodated in community detention’.\(^{15}\) When detained in this way, ‘children and their families are able to move about in the community and receive support from non-government organisations and state welfare agencies, as necessary’.\(^{16}\) On 18 October 2010 the Prime Minister and the Minister for Immigration and Citizenship announced that the Australian Government would expand its community detention program and begin moving children and vulnerable family groups out of immigration detention facilities and into community-based accommodation.\(^{17}\)

The Government has also introduced other options to relieve growing pressure on detention centres. In particular, in October 2011 the Gillard Government announced that some asylum seekers

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12. Ibid.
14. Ibid.
15. Ibid.
16. Ibid.
17. J Gillard (Prime Minister) and C Bowen (Minister for Immigration and Citizenship), Government to move children and vulnerable families into community-based accommodation, media release, 18 October 2010, viewed 18 September 2012, http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fpressrel%2F1927276%22
who arrive unauthorised by boat would be issued with bridging visas (like most air arrivals) and released from detention into the community while their claims are processed.18

On 13 August 2012 the Government announced that it would seek to establish facilities in Nauru and Manus Island, Papua New Guinea, for the processing of protection claims by those arriving by boat to Australia.19 This was in response to a recommendation from the Expert Panel on Asylum Seekers led by Air Chief Marshal Angus Houston.20 Australia has since signed Memoranda of Understanding with the Governments of Nauru and Papua New Guinea in relation to the establishment of regional processing centres in those countries. Legislation enabling Australia to send asylum seekers to Nauru and Papua New Guinea for processing passed the Australian Parliament on 16 September 2012.21

Refugee entitlements to social security

Refugees—that is, people who have been granted a Protection visa—do not receive higher benefits than other social security recipients.

In general, Australian Government payments are only available to people who reside in Australia and are either Australian citizens or holders of permanent visas. When an asylum seeker is granted refugee status they become permanent residents of Australia. They have the same entitlements as all other permanent residents.22 There are no special refugee payments or special rates of payments for refugees.

Most refugees are of working age. This means that the main form of assistance provided to refugees is the Department of Human Services (DHS) Newstart Allowance (commonly known as unemployment benefits). To qualify for Newstart Allowance a refugee needs to meet the same requirements as any other resident. This includes participation in activities designed to increase one’s chances of finding work and accepting work should it become available.23 There are no special or extra rates of Newstart Allowance for refugees.

As such, a single refugee receiving Newstart Allowance and sharing rented accommodation would currently receive $573.27 per fortnight (comprised of Newstart Allowance of $492.60 and Rent Assistance of $80.67). This is precisely the same amount that would be received by any other permanent resident of Australia receiving Newstart Allowance. Similarly, any refugees receiving other Australian Government payments such as Disability Support Pension or Age Pension receive such payments at precisely the same rate as is paid to all other permanent residents.

Exemption from usual waiting periods

Most social security payments or concession cards have either a waiting period or qualifying residence criteria that apply to new arrivals in Australia. A two year newly arrived resident’s waiting period applies to payments such as Austudy, Carer Payment, Commonwealth Seniors Health Card, Newstart Allowance, Sickness Allowance and Youth Allowance.

Other payments do not have a newly arrived resident’s waiting period, but have their own ‘qualifying residence’ requirements. For example, Age Pension and Disability Support Pension have qualifying residence requirements of ten years.

The newly arrived resident’s waiting period and qualifying residence requirements are not applied in the case of refugees or humanitarian visa holders. This is in recognition of the special circumstances under which people in these categories have come to have permanent residency in Australia—that is, as refugees with no other means of financial support.

**Assistance from the Department of Immigration and Citizenship**

**Refugees**

**Humanitarian Settlement Services**

According to DIAC:

> Australia has a long and proud history of resettling people in humanitarian need and the Australian Government is committed to helping new arrivals become active participants in the community as soon as possible. In recognition that humanitarian clients often face additional challenges to those faced by other migrants, they receive specialised assistance during the initial settlement period.

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24. These payment rates are current as of 20 September 2012. Newstart is indexed on 20 March and 20 September each year. Updated payment rates can be obtained from DHS, *A guide to Australian Government payments*, op. cit.
26. In addition, Parenting Payment and Widow Allowance have qualifying residence requirements of two years.
The main program under which DIAC provides assistance to people who have been granted a permanent visa under the humanitarian program is through Humanitarian Settlement Services (HSS). The focus of HSS is on ‘capacity building; building clients’ confidence and ability to participate economically and socially in the wider Australian community; and equip[ing] them with the knowledge and skills they will need to access services in the future’. HSS applies a case management approach that focuses on assisting humanitarian entrants to gain access to mainstream services.

Services provided under the HSS include:

- on-arrival reception and initial orientation
- information about and referral to mainstream agencies and to other settlement and community programs
- assistance with locating short term and long term accommodation
- onshore orientation program.

According to DIAC, ‘HSS is focused on humanitarian clients reaching sustainable and measurable settlement outcomes’, including:

- residing in long-term accommodation (generally a lease of at least six months in duration)
- being linked to the required services identified in their case management plan
- school age children are enrolled and attending school
- ensuring clients have understood the critical messages of the orientation program and have the skills and knowledge to independently access services.

DIAC expects that ‘these settlement outcomes will generally be reached between 6 to 12 months of the client’s arrival’.

Support provided under the HSS is intended to ensure that people granted residence in Australia under the Humanitarian Program settle successfully. It is important to recognise that when many humanitarian entrants settle in Australia they are in a particularly vulnerable state—both traumatised by the experiences which have caused them to leave their home countries and lacking information and resources necessary to rebuild their lives.

29. Ibid.
31. Ibid.
Recipients of assistance under the HSS do not receive cash payments. Nor, as is claimed in some emails, do refugees receive free houses or other extravagant gifts.32

Asylum seekers

Asylum Seeker Assistance (ASA) Scheme

DIAC also provides assistance for some asylum seekers during the period in which their applications for protection are processed.33 Financial assistance is available to some asylum seekers living in the community (those with a bridging visa) under the Asylum Seeker Assistance (ASA) Scheme. The ASA Scheme is administered by the Australian Red Cross (ARC) under contract to DIAC.

Assistance is paid at the rate of 89 per cent of the DHS Special Benefit—a payment made to those in severe financial need due to circumstances outside their control and who are not eligible to receive any other DHS pension or benefit.34 Special Benefit is generally paid at the same rate as Newstart Allowance or Youth Allowance. Currently, a single person with no children entitled to the Newstart equivalent rate of Special Benefit, would receive $492.60 per fortnight. A single person receiving assistance under the ASA Scheme would receive no more than 89 per cent of this amount (that is, up to $438.41).

Asylum seekers on bridging visas may also be eligible for rent assistance in the form of 89 per cent of DHS Rent Assistance. Currently, the maximum rate of DHS Rent Assistance for a single person with no children in shared accommodation is $80.67. A single person receiving assistance under the ASA Scheme would receive no more than 89 per cent of this amount (that is, up to $71.79).

Under the ASA Scheme, asylum seekers can also access general health care including pharmaceuticals, casework support and referrals to other agencies (legal, medical, counselling, social, education, housing, material aid).35

Asylum seekers living in the community may be eligible for the ASA Scheme if they have a valid application for a protection visa lodged with the department and where:

- the date of lodgement of the protection visa application is more than six months old and the applicant is waiting for a decision

32. DIAC, DIAC refutes hoax email on asylum seeker policy, op. cit. For further information on settlement services for refugees and migrants, see H Spinks, Australia’s settlement services for migrants and refugees, Research paper, no. 29, 2008–09, Parliamentary Library, Canberra, 29 April 2009, viewed 18 September 2012, http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22library%2Fprspub%2FMTET6%22
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- the date of lodgement of the protection visa application is less than six months old, the applicant is waiting for a decision and meets one of the ASA Scheme exemption criteria (these criteria are intended to ensure that the elderly, minors, young families, the ill and those who care for these groups can be assisted without delay)

- the protection visa application was refused by the department and the applicant has lodged an application for review by the Refugee Review Tribunal and continues to meet the ASAS exemption criteria

- the applicant is not in immigration detention

- the applicant holds a visa

- the applicant is not eligible for either Australian or overseas government income support.  

All asylum seekers on bridging visas may be eligible under this scheme, including those who have been issued with a Bridging Visa E (BVE) and released from immigration detention (following the Government’s announcement in October 2011). These asylum seekers are able to reside in the community while their asylum claims are assessed (just like most air arrivals) or may be offered short-term homestay accommodation through the Community Placement Network.

**Community Assistance Support program**

The Community Assistance Support (CAS) program provides similar support to people on bridging visas as the ASA Scheme but is designed for people with particular needs and vulnerabilities. As such, it provides additional support through a departmental case manager and a Red Cross caseworker. The lead agency in providing the CAS program is the Australian Red Cross (ARC).

According to DIAC:

> CAS administers a range of services which focus on the wellbeing of people who hold bridging visas and have complex needs. These people must be clients of the Department of Immigration and Citizenship who are working with the department to resolve their immigration status.

> The department’s case management service assists clients who hold bridging visas to obtain a rapid resolution of their immigration status. Clients are generally eligible for case management services when one or more indicators of vulnerability are present, particularly in relation to the health and welfare of women, children and the elderly.

38. For information on the Community Placement Network see [http://www.homestaynetwork.org/about-cpn](http://www.homestaynetwork.org/about-cpn)
The case management service may refer a client to CAS if they are assessed as meeting specific eligibility criteria. CAS provides help to clients by arranging access to health and welfare services, providing financial assistance, and providing additional case management to resolve their immigration status.40

To be regarded as vulnerable for the purposes of the CAS a person must meet at least one of the following criteria:

- have a diagnosed mental health condition
- have a significant disability or serious health issue
- being an elderly person
- being a minor at risk of harm, including an unaccompanied minor
- suffering the effects of torture and trauma
- suffering domestic abuse or violence
- suffering impaired mental or physical ability.41

Services provided include:

- ongoing and intensive case work support
- arrangement of healthcare appointments
- financial allowance to help cover basic living expenses (equivalent to 89 per cent of DHS Special Benefit, that is, $438.41) and, where applicable, rent assistance (89 per cent of DHS Rent Assistance, that is, $71.79)
- financial assistance for general and emergency health care as well as pharmaceuticals
- referrals to counselling, material aid such as clothing and furniture, education, social activities and legal services.42

In addition, up to six weeks of transitional support is provided to asylum seekers who are released from immigration detention facilities to help them transition in to their new community. Red Cross can meet them at the airport, provide emergency accommodation for people who need it while they find longer term accommodation and provide an orientation to their new community.

41. Ibid.
Community Detention Program

Since 2005, DIAC has provided funding to Non Government Organisations (NGOs) aimed at ensuring that people placed in community detention are appropriately supported. NGOs are funded by DIAC to source appropriate housing, to provide payment of living expenses, and to ensure access to relevant health and community services and social support networks. The lead agency in the Community Detention Program is the Australian Red Cross.

Support provided includes:

- accommodation
- furniture and household goods (owned by DIAC)
- 24 hour care for unaccompanied minors
- assistance to access healthcare, including mental health care and pharmaceuticals (as approved by DIAC)
- education for school-age children (for example, fees, uniforms, textbooks and excursion costs)
- meaningful activities (for example, English classes, sporting programs)
- social and religious networks
- welfare support (for example, legal, counselling, social).

Previously, as with the ASA Scheme, income support through the Community Detention Program was provided by the Australian Red Cross at the level of 89 per cent of DHS Special Benefit. However, this has since been reduced to 70 per cent of Special Benefit ($344.82) to reflect the fact that people in Community Detention have their rent paid for them. The rationale is that this would ‘bring people in community detention into line with people on bridging visas—and on permanent

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44. Ibid.


visas for that matter—so that the amount of disposable income they had left after paying their rent was about the same. 47

All people held in immigration detention (whether Community Detention or Immigration Detention Centres) are also entitled to ‘health care at a standard generally comparable to the health care available to the Australian community’. 48 According to DIAC:

For people in community detention and immigration residential housing, health care services are provided exclusively by community-based health providers. For people in facility based detention (immigration detention centres and immigration transit accommodation) most primary health services are available onsite with referral to external health services providers in the community as clinically required.

A health induction assessment is offered to every person entering immigration detention to identify conditions that will require attention while the person is accommodated in detention. This assessment includes the collection of personal and medical history, a physical examination and formalised mental health screening and assessment.

Treatment management is coordinated through a general practitioner for all people who have a clinically identified need for ongoing medical treatment. As well as the health induction assessment there are mechanisms in place to identify health needs that may emerge during a person's time in detention, including formal monitoring processes such as regular mental health rescreening for people detained for longer periods.

A health discharge assessment is completed for each person being discharged from any immigration detention placement. This assessment includes the provision of a health discharge summary from the health services provider to the individual, which informs future health providers of relevant health history, treatment received during detention and any ongoing treatment regimes. Where appropriate, linkages are made with relevant community health providers to facilitate ongoing care beyond discharge. 49

Immigration Detention Centres

People held in immigration detention centres do not receive DHS equivalent payments or percentages of such payments. They are entitled to a range of services, most of which are provided by Serco—a private company contracted by the Australian Government to manage immigration detention centres. 50

Services provided by Serco include:

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47. Ibid.
49. Ibid.
• providing accommodation including bedding and bathroom facilities

• catering, which includes the provision of a minimum of three meals per day and the accommodation of particular requirements such as halal, kosher, vegetarian

• arranging access to religious practitioners, prayer rooms, services and other religious activities

• providing access to television, library services and other educational and entertainment facilities

• arranging access to visitors (including visitor accommodation), a mail service and to telephones, computers and the internet

• arranging access to interpreters

• arranging excursions to locations or venues external to the immigration detention centres (for example fishing and shopping trips)

• facilitating a schedule of programs and activities (participation in which is voluntary) targeted at enhancing the mental health and wellbeing of detainees (for example, cultural and lifestyle classes, sporting activities)

• administering an income allowance program and operating shops and a hairdressing service

• recreational and sporting facilities and

• supplying and replenishing clothes, footwear, toiletries, hygiene products and other personal items.51

Through the income allowance program, detention centre residents are allocated points that can be exchanged for small items at the facility shop managed by Serco.52 As noted above, these are not DHS equivalent payments or percentages of such payments but rather amount to a small allowance. Depending on the type of facility, Serco also administers the Household Allowance Scheme for detainees who purchase and cook their own food.53

According to Serco, media and communications facilities are provided in recognition of:

• ‘the importance of continued contact by clients with friends and family in home countries’ and

52. Serco, Submission to the Joint Select Committee on Australia’s Immigration Detention Centre Network, Inquiry into Australia’s Immigration Detention Network, op. cit., p. 24.
53. Ibid., p. 25.
• ‘the importance of access to media and information facilities for a variety of reasons including education, entertainment and as a resource for clients to use in progressing visa applications’.\(^{54}\)

Media and communications services provided to detainees by Serco include:

• computer and email access is available through computers located in internet cafes and common areas, unless detainees are accommodated in Border Screening Detention. Computers are available to clients to perform functions such as word processing, spreadsheets, internet and email

• telephone and mail services. Detainees receive phone cards that can be used to make national and international calls from dedicated phone lines in the immigration detention centre

• access to free-to-air television and other broadcast services where available (unless in Border Screening Detention) and

• access to a library which includes:
  – English and foreign language videos/DVDs
  – a selection of local, national and foreign language books, periodicals, and newspapers
  – foreign language to English translation dictionaries and
  – electronic and hard copies of the Migration Act and other relevant Australian legislation.\(^{55}\)

As noted above, all people subject to immigration detention are entitled to health care at a standard generally comparable to the health care available to the Australian community. In the case of people held in immigration detention centres, these services are generally provided onsite, though with referral to external health services providers if required. Onsite health care services are provided by International Health and Medical Services (not by Serco), a private company contracted by DIAC.

The Government considers provision of services such as those outlined above as reflecting the immigration detention values established as part of its New Directions in Detention policy. In its submission to the Joint Select Committee on Australia’s Immigration Detention Centre Network, DIAC highlighted access to the following as indicative of its progress towards implementation of immigration detention value 7—*Conditions of detention will ensure the inherent dignity of the human person*:

• visitors, as well as telephones, computers, internet, fax machines and mail services

\(^{54}\) Ibid., p. 24.  
\(^{55}\) Ibid.
• culturally appropriate programs and activities including religious activities and the provision of culturally appropriate food

• points under the individual allowance program that can be exchanged for small personal items at the facility shop or for special purchases.\(^{56}\)

It is to be expected that people detained in Nauru and Manus Island for processing would also be provided with services that are consistent with Australia’s immigration detention values, including value 7 relating to ensuring the inherent dignity of the human person.

**Summary**

• there is no truth to claims made in emails recently circulated throughout Australia that refugees are entitled to higher benefits than other social security recipients

• refugees have the same entitlements as all other permanent residents—they do not receive special refugee payments or special rates of payment

• given the circumstances in which refugees come to settle in Australia, they are exempt from the standard waiting period that applies to migrants seeking to access social security payments or concession cards

• refugees also receive short-term assistance from DIAC under the Humanitarian Settlement Services program, aimed at helping them settle effectively once they have received permanent residency

• DIAC also provides funding to assist asylum seekers living in the community through the Asylum Seekers Assistance Scheme and Community Assistance Support Program. This assistance is provided through NGOs such as the Australian Red Cross. The financial component of such assistance does not exceed 89 per cent of the DHS Special Benefit (which would currently amount to $438.41) and 89 per cent of DHS Rent Assistance (which would currently amount to $71.79). Limited assistance in the form of services is provided in order to assist asylum seekers living in the community to meet basic needs such as access to health and community services

• DIAC also provides funding through NGOs such as the Australian Red Cross aimed at ensuring that people placed in community detention are appropriately supported. The financial component of such assistance does not exceed 70 per cent of the DHS Special Benefit (which would currently amount to $344.82). Assistance provided also includes access to housing, health and community services and social support networks

asylum seekers in immigration detention centres do not receive DHS equivalent payments or percentages of such payments. They are entitled to a range of services, including access to health care, religious facilities, television, library services and other educational and entertainment facilities, clothes, footwear, toiletries, hygiene products and other personal items. Detainees also have access to the income allowance program, through which they are allocated points that can be exchanged for small items at the facility shop.

provision of services such as those outlined above are consistent with the Government’s immigration detention values, specifically value number 7—*Conditions of detention will ensure the inherent dignity of the human person*.

further, the assistance to refugees and asylum seekers described in this Background Note is longstanding and has bi-partisan support. Such support is consistent with the overall obligation and commitment by Australia to provide protection for refugees and resolve refugee situations.