



HUMAN TRAFFICKING WORKING GROUP

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NEW SUPPORT PROGRAMS FOR VICTIMS OF TRAFFICKING; AUSTRALIA

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On July 1 2009, a number of amendments were made to Australia's People Trafficking Visa Framework, which had been in operation since 2004.¹ This has also affected the Support for Victims of People Trafficking Program (the Program), in terms of changing its entry conditions and the length of support available under this rehabilitative scheme.

1. Victim support is now no longer contingent on holding a specific 'trafficking visa'

There has been a total erasure of links between the visa scheme and entry to the victim support program. It is now no longer a requirement that recipients of support from the Program be holders of an Australian trafficking-victim visa. Any person holding a valid Australian visa who has been affected by trafficking as a victim will now be eligible for support. This is a significant expansion of the Program and will allow a greater number of trafficked persons to access support than previously. This also means that 'victims who hold valid visas on referral to the Program are not disadvantaged by having to request cancellation of their visas in order to receive the second phase of support'.²

Furthermore, persons who have been trafficked into Australia but do not wish to be involved in any police investigations into their traffickers will now also be eligible for the full Assessment Stream of the victim support program.³

2. Extension of support to victims who are not able to assist with prosecutions

Suspected victims who wish to assist with the prosecution of their traffickers but are unable to do so will now be eligible for 90 days support from the Program.⁴ Previously, unless these persons were able to qualify for another Australian visa (such as a refugee protection visa), they were deported to their country of origin. This 90-day limit includes 45 days on the Assessment Stream and a further 45 days of coverage under the new Extended Intensive Support Stream. The Department of Families, Housing, Community Services and Indigenous Affairs (FaHSCIA), which administers the support program, notes that the extended scheme 'will be provided on a case-by-case basis and is designed to provide additional assistance to victims suffering from medical conditions like trauma. If the suspected victim of trafficking does not hold a valid visa, a second Bridging F visa for up to 45 days may be granted'.⁵

¹ See separate memo on 'Australia — New Visas for Victims of Trafficking'.

² 'Australian Government Anti People-Trafficking Strategy', Department of Families, Housing, Community Services and Indigenous Affairs, <<http://www.fahcsia.gov.au/sa/women/progserv/violence/Pages/AntiPeopleTraffickingStrategy.aspx>> at 9 July 2009.

³ 'Australian Government Anti People-Trafficking Strategy', Department of Families, Housing, Community Services and Indigenous Affairs, <<http://www.fahcsia.gov.au/sa/women/progserv/violence/Pages/AntiPeopleTraffickingStrategy.aspx>> at 9 July 2009.

⁴ 'Australian Government Anti People-Trafficking Strategy', Department of Families, Housing, Community Services and Indigenous Affairs, <<http://www.fahcsia.gov.au/sa/women/progserv/violence/Pages/AntiPeopleTraffickingStrategy.aspx>> at 9 July 2009.

⁵ 'Australian Government Anti People-Trafficking Strategy', Department of Families, Housing, Community Services and Indigenous Affairs, <<http://www.fahcsia.gov.au/sa/women/progserv/violence/Pages/AntiPeopleTraffickingStrategy.aspx>> at 9 July 2009; 'Changes to the People Trafficking Visa Framework', Department of Immigration and Citizenship, <<http://www.immi.gov.au/legislation/amendments/2009/090701/lc01072009-08.htm>> at 9 July 2009.

3. Introduction of a victim transition program

The Support for Victims of People Trafficking Program has also changed to incorporate a 20-day transition period for persons leaving the program.⁶ This formalises the existing ad hoc transition scheme to ensure consistency in the care of victims of trafficking within the Program.⁷

The changes were described positively by FaHSCIA as meaning that 'victims of trafficking in Australia [will] have access to a more flexible support framework for themselves and their families'.⁸

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⁶ 'Australian Government Anti People-Trafficking Strategy', Department of Families, Housing, Community Services and Indigenous Affairs, <<http://www.fahcsia.gov.au/sa/women/progserv/violence/Pages/AntiPeopleTraffickingStrategy.aspx>> at 9 July 2009.

⁷ 'Australian Government Anti People-Trafficking Strategy', Department of Families, Housing, Community Services and Indigenous Affairs, <<http://www.fahcsia.gov.au/sa/women/progserv/violence/Pages/AntiPeopleTraffickingStrategy.aspx>> at 9 July 2009.

⁸ 'Australian Government Anti People-Trafficking Strategy', Department of Families, Housing, Community Services and Indigenous Affairs, <<http://www.fahcsia.gov.au/sa/women/progserv/violence/Pages/AntiPeopleTraffickingStrategy.aspx>> at 9 July 2009.