



# **Submission to the Humanitarian Program 2022-23**

**AUGUST 2022**

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## Acknowledgements

ECCV would like to gratefully acknowledge our stakeholders for providing consultation feedback and sharing their insights and expertise.

## About ECCV

The Ethnic Communities' Council of Victoria (ECCV) is the peak body for people from migrant and refugee backgrounds in Victoria. ECCV works closely with over 220 member organisations including ethnic associations, multicultural service providers, and eight regional ethnic communities' councils. ECCV has been advocating for human rights, freedom, respect, equality and dignity for migrant and refugee communities, and for a socially cohesive and inclusive Victorian community since 1974. ECCV has a strong history in informing industry, practice and influencing Federal, State and Local governments to promote culturally responsive approaches, anti-racism, equitable access to services and socially just policy.

## A note on language

The term 'people from migrant and refugee backgrounds' is used in this document to refer to people and communities who have entered Australia through a variety of pathways, including through humanitarian, family, and skilled migration pathways. ECCV uses this term to refer to people with backgrounds and ancestry that is not part of the dominant Anglo-Celtic Australian population. This term is inclusive of people seeking asylum in Australia, people on temporary visas, undocumented migrants, and people born in Australia.

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*ECCV acknowledges the Traditional Owners of Country throughout Victoria and their continuing connection to land, water and community. We pay respect to their Elders past and present.*

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# 1 Introduction

The Ethnic Communities' Council of Victoria (ECCV) welcomes the opportunity to make a submission to the Australian Government's Humanitarian Program 2022-23. ECCV is the peak representative body for ethnic and multicultural communities in Victoria with a membership of more than 220 organisations and individuals. We are engaged in policy and advocacy, capacity building and community consultation with and for Victorians from migrant and refugee backgrounds.

Australia has a long and proud history of accepting refugees fleeing conflict and persecution from all parts of the globe. Humanitarian entrants have made up a significant part of Australia's migration intake and have brought immense social, cultural and economic benefits to our communities.

It is critical that Australia's Humanitarian Program provides certainty, support and durable protection to refugees as they begin their life and settle in Australia. ECCV joins other organisations in expressing concern about the direction of Australia's refugee and immigration policies. Unfortunately, Australia no longer provides a sustainable, lawful and humane response that meets global resettlement needs. The United Nations and its member states have repeatedly raised concerns about Australia's policies towards asylum seekers and refugees.

The deleterious toll of mandatory detention, precarious visa status, family separation, and long delays in processing are well-documented.<sup>1</sup> The inability of the system to respond effectively to the settlement needs of refugees and asylum seekers has created an underclass of people in Australia, who are at risk of experiencing exploitation, poverty and mental ill-health. These policy settings have also had direct implications for the Australian community, and internationally, as other high-income countries – most recently the United Kingdom – have sought to replicate Australia's hardline approach. This sets a worrying precedent.

We are now at a critical juncture for reassessing Australia's approach to refugees and people seeking asylum. The re-opening of international borders following the closures of the COVID-19 pandemic, and the election of a new Labor Government, provides us with an opportunity – and political responsibility – to reinvigorate Australia's Humanitarian Program and fulfil our international obligations.

## **This submission makes 24 recommendations for shaping Australia's Humanitarian Program 2022-23.**

We emphasise the need for greater equity, investment and respect in how we respond to changing global resettlement needs. Many of these recommendations have been tirelessly advocated for by organisations, refugees and the international community for over a decade. ECCV wishes to acknowledge their efforts while also amplifying their voices through our capacity as a peak body. In particular, we draw attention to the need to:

- Abolish TPVs and SHEVs and transition all visa-holders to permanent visas
- Reform Australia's administrative review system and abolish the 'fast track' process
- End indefinite and mandatory immigration detention
- Increase the size of the Humanitarian Program
- Streamline and reduce the costs associated with the family reunification process
- Develop a long-term strategy to inform the resettlement of Afghan nationals
- Review funding and eligibility requirements for settlement services and programs

The Albanese Government has demonstrated early in its term that it is willing to take decisive action with the granting of permanent visas to the Nadesalingam family, who after years of processing faced deportation twice in 2018 and 2019. In the past decade, Australia's restrictive immigration policies have become entrenched by successive governments and professed as a means of 'humanitarian necessity'. We must move beyond this mindset and set a new direction for Australia's immigration policies.

## 1.1 Summary of Recommendations

### Towards an equitable immigration system

**Recommendation 1.** That the Australian Government acts quickly to implement the suite of 17 Recommendations made by the [Kaldor Centre for International Refugee Law](#), including:

- Transitioning people on Temporary Protection Visas (TPVs) and Safe Haven Enterprise Visas (SHEVs) to permanent visas
- Supporting people who have not yet been assessed or have been previously refused protection to apply for a permanent visa that does not require another assessment of their protection claims
- Providing funded legal, interpreting and mental health support to assist people who arrived in Australia without a visa with the permanent visa application process

**Recommendation 2.** That the Australian Government abolish the Immigration Assessment Authority (IAA).

**Recommendation 3.** That the Australia Government reform and restore funding to the Administrative Appeals Tribunal (AAT) to maintain the rigour and integrity of its merits review process.

**Recommendation 4.** That the Australian Government ensure full and equitable access to legal and migration advice to support people seeking asylum with navigating the legal system.

**Recommendation 5.** That the Australian Government considers and passes the *Ending Indefinite and Arbitrary Immigration Detention Bill 2022*.

### The size of the Humanitarian Program

**Recommendation 6.** That the Australian Government plan to increase the size of the Humanitarian Program in 2023-24 to 30,000 places for both offshore and onshore visa grants, with view to progressively increasing the size of the Program to 35,000 by 2024-25.

**Recommendation 7.** That the Australian Government carry over places in the Humanitarian Program for 2020-21 and 2021-22 that were not filled (in addition to the yearly quota) due to the delays caused by the pandemic, based foremost on the need for protection and level of vulnerability.

### Offshore component of the Humanitarian Program

**Recommendation 8.** That the Australian Government facilitate the timely resettlement of visa-holders currently overseas through a combination of practical strategies, including:

- Prioritising and escalating vulnerable cases
- Enabling settlement providers to work with visa holders prior to arrival
- Expediting flights for small cohorts in third countries

**Recommendation 9.** That the Australian Government create a Humanitarian Family Reunion Visa Stream of 10,000 annual places, outside of the Humanitarian Program target, to meet demand, reduce costs and streamline the family reunification process. The Visa should include flexible concessions for meeting eligibility and give priority to give refugees settled in regional areas who do not have existing family ties in Australia.

**Recommendation 10.** That the Australian Government consult with relevant stakeholders, the UNHCR and refugee communities to review the definition of 'family' used to assess reunification applications, develop a process for determining concessions for eligibility (see **Recommendation 9**), and improve procedures for communicating with applicants seeking family reunification.

**Recommendation 11.** That the Australian Government remove restrictions on family reunion for people who arrived in Australia without a visa.

**Recommendation 12.** That the Australian Government extend the *Afghan-Australian Community Settlement Support* package and develop a long-term strategy to inform the resettlement of Afghan nationals in collaboration with settlement providers, different levels of government, and local Afghan communities.

**Recommendation 13.** That the Australian Government urgently extend the 31 July 2022 deadline for Ukrainian nationals fleeing the humanitarian crisis in Ukraine or consider exemptions and other alternatives to continue supporting displaced Ukrainians.

### Onshore component of the Humanitarian Program

**Recommendation 14.** That the Australian Government increase resourcing for the Department of Home Affairs to effectively clear the visa backlog, with priority given to Permanent Protection Visa (PPV) applications.

**Recommendation 15.** That the Australian Government remove the 'ceiling' for the number of onshore Permanent Protection Visa (PPV) applications granted every financial year.

**Recommendation 16.** That the Australian Government increase Status Resolution Support Services (SRSS) funding, expand SRSS eligibility requirements and explore other ways to provide sustainable and long-term support for people on temporary visas who are seeking asylum.

### Regional Settlement in Victoria

**Recommendation 17.** That the Australian Government review the funding allocated to regional settlement services given the greater level of capacity-building work required to ensure successful settlement for refugees in regional Australia.

**Recommendation 18.** That the Australian Government take a place-based approach to regional settlement by working closely with settlement providers to regularly review and monitor service gaps, workforce needs, and the availability of appropriate local supports, amenities and programs.

**Recommendation 19.** That the Australian Government increase funding to the Settlement Engagement and Transition Support (SETS) Program, remove the blanket five-year eligibility for settlement support and take an individualised approach to assessing and supporting the lifelong settlement needs of humanitarian entrants.

**Recommendation 20.** That the Australian Government ensure that settlement providers are adequately resourced to meet the expected increase in the humanitarian intake and explore ways to retain specialised settlement support staff whose jobs are at risk due to the intake-driven funding model.

**Recommendation 21.** That the Australian Government convene a Forum with intergovernmental bodies, settlement organisations and other relevant stakeholders to advance the development of an integrated whole-of-government response to resettlement in Australia.

**Recommendation 22.** That the Australian Government take a consultative and planned approach to transition the Community Support Program (CSP) to the Community Refugee Integration and Settlement Pilot (CRISP) model, and strategically use existing CSP infrastructure and resourcing to increase yearly intake for the CRISP to 6,500 by 2024-25.

**Recommendation 23.** That the Australian Government make CRISP places additional to rather than part of the Humanitarian Program quota.

**Recommendation 24.** That the Australian Government ensures that the CRISP:

- is adequately resourced to support both sponsors and refugees with ongoing training and orientation programs,
- retains sustained resourcing so that it can scale up and keep pace with expected growth;
- allows limited access to the SETS and HSP programs so that sponsors and refugees can utilise and tap into the expertise of settlement providers while the CRISP is in its early stages; and
- is outcomes-focused, responsive to emerging needs and capable of supporting sponsors and refugees throughout the settlement process.

## 2 Towards an equitable immigration system

### 2.1 Abolish temporary protection

Temporary protection discriminates against people on the mode of their arrival and can cause considerable human suffering. Under current Australia law, people on temporary protection must have their stay and protection claims reassessed on a rolling basis, with the knowledge that they realistically will never settle permanently in Australia. They live in a perpetual state of limbo and face the ongoing prospect of being sent back to a country where they fear persecution. The temporary protection system re-traumatizes refugees and denies them the opportunity to reunite with family members – many of whom are in precarious situations – for long and potentially indefinite periods of time. Studies have shown that the postmigration stresses associated with temporary protection have significant detrimental effects on mental health and well-being.<sup>2</sup> The use of temporary protection is inconsistent with Australia's obligations under international law.

Currently, there are over 31,000 people in the Australian community who arrived without a visa. Their rights and circumstances depend on the type of visa they are on. Of those 31,000, about 10,000 people live on precarious short-term Bridging Visas, some without the right to work or access income support. SHEV holders can progress to a permanent visa, subject to eligibility requirements that most often do not offer a viable pathway to permanent residency. To date, only one person has met the requirements for the SHEV pathway.<sup>3</sup>

If current policy settings remain in place, people on temporary visas must continue to apply for a new visa once their visa expires, every three years for TPVs and every five years for SHEVs. People whose applications are denied are very likely to seek merits and judicial review of their claims, which can take many more years to resolve and unnecessarily back up the judicial system. The reassessment of protection claims is not only costly and inefficient, but also leaves people most in need without certainty for extended and indefinite periods of time.<sup>4</sup> In addition to the psychological toll of not being able to rebuild their lives and participate fully in our community, people on temporary visas also live in ongoing fear of being returned to detention at the Immigration Minister's discretion.<sup>5</sup>

For the Humanitarian Program 2022-23 to meet its stated aims of 'meet[ing] Australia's international protection obligations', the Government must act quickly to transition refugees who arrived in Australia without a visa to permanent visa arrangements. People seeking asylum who have been recognised as refugees must be granted permanent protection, regardless of how or where they arrive and whether they arrive with or without a visa.

**ECCV supports the suite of 17 recommendations made by the Kaldor Centre for International Refugee Law in their [June 2022 Policy Brief](#).** The focus of these recommendations is on achieving reform within "a relatively fast timeframe", with practicality, a trauma-informed approach, and human rights considerations forming the guiding principles for reform.<sup>6</sup>

**Recommendation 1.** That the Australian Government acts quickly to implement the suite of 17 Recommendations made by the [Kaldor Centre for International Refugee Law](#), including:

- Transitioning people on Temporary Protection Visas (TPVs) and Safe Haven Enterprise Visas (SHEVs) to permanent visas
- Supporting people who have not yet been assessed or have been previously refused protection to apply for a permanent visa that does not require another assessment of their protection claims
- Providing funded legal, interpreting and mental health support to assist people who arrived in Australia without a visa with the permanent visa application process

## 2.2 Reform the administrative review system

Australia's administrative law system offers review and accountability mechanisms for decisions made by government. In recent years, the integrity and operation of the administrative review system has come under considerable scrutiny.

In 2014, the 'fast track' process was established to deal with the backlog of application and the so-called 'legacy caseload'. Under this process, applications for protection that are refused at first instance by the Department of Home Affairs (DHA) are automatically referred to the Immigration Assessment Authority (IAA), a subsidiary of the Administrative Appeals Tribunal (AAT) that conducts a highly curtailed merits review. Unlike the AAT, the IAA does not allow for an oral hearing or for any new information about the applicant's claim to be presented (i.e., a 'full merits review')<sup>7</sup>, unless 'exceptional circumstances' exist.

The IAA does not afford the same substantive and procedural rights as anyone else who seeks a review of a government decision. It does not offer a mechanism of review that is proportionate to the importance and complexity of matters that, ultimately, affect people's lives and wellbeing. Unsurprisingly, the IAA has a refusal rate of 94% and between 2019-21, 38% of decisions that were reviewed by the courts were either remitted or found to be unlawful.<sup>8</sup> As the majority of people who arrived without a visa have been found to be owed protection (66.59%), the limited review process increases the risk of "*wrongly refusing protection for individuals leading to them being returned to persecution or other significant harm*".<sup>9</sup> This would place Australia in breach of its international legal obligations.

The review of protection claims has also been marked by significant delays and concerns about fairness and accessibility. The AAT plays a crucial role in determining refugee status and ensuring that errors in the decisions made by the DHA are reviewed fairly, accurately, economically, and justly. Unfortunately, the independence and decision-making of the current AAT has been compromised in recent years. In its final findings into the *Performance and Integrity of Australia's Administrative Review System*, the Legal and Constitutional Affairs References Committee concluded that successive governments have undermined the credibility and functionality of the AAT through lack of funding and non-merit based, politicised appointments of Tribunal Members – some of whom lack the expertise and legal qualifications necessary to assess refugee status determinations.<sup>10</sup> This has contributed to a backlog of 32,000 refugee cases and led to significant discrepancies in decision-making.

Further, cuts made to publicly funded legal assistance have left many people reliant on pro bono support and overstretched community legal centres, which have increasingly turned to philanthropic grants, donations, and other forms of revenue diversification to meet demand for their legal services. It is imperative that all people seeking asylum in Australia are provided with funded legal and migration advice to ensure that they are afforded procedural fairness (which if denied can give rise to judicial review, further straining the court system) and can effectively access and navigate a complex legal system. This is particularly important because people seeking asylum may experience additional barriers to access related to language and culture, and trauma and vulnerability.

**Recommendation 2.** That the Australian Government abolish the Immigration Assessment Authority (IAA).

**Recommendation 3.** That the Australia Government reform and restore funding to the Administrative Appeals Tribunal (AAT) to maintain the rigour and integrity of its merits review process.

**Recommendation 4.** That the Australian Government ensure full and equitable access to legal and migration advice to support people seeking asylum with navigating the legal system.

## 2.3 End mandatory and indefinite immigration detention

Australia's current framework of offshore processing and immigration detention has been an unmitigated policy failure.<sup>11</sup> It is inconsistent with international refugee and human rights law standards and has been condemned by the United Nations High Commissioner for Refugees (UNHCR) as cruel, punitive and unlawful.<sup>12</sup> There is also no evidence that it has deterred people from arriving by boat to seek asylum. ECCV is disappointed that the Albanese Labor Government has not committed to ending mandatory and indefinite detention or ceasing a blanket 'turn back the boats' policy.

Prolonged and indefinite detention has devastating impacts, contributing to a range of health issues, including depression, anxiety, and post-traumatic stress.<sup>13</sup> The lack of adequate healthcare has exacerbated the harms inflicted in immigration detention, and concerns about the spread of COVID-19 in overcrowded settings were managed poorly, with many remaining in restrictive and unsafe conditions.<sup>14</sup>

As of 31 March 2022, there were 1,512 people in detention in Australia, a further 563 in community detention, and 200 asylum seekers in offshore detention.<sup>15</sup> In stark contrast to other high-income countries such as Canada, the United States and the United Kingdom, the average length of detention in Australia has steadily increased to 700 days, and there are people who have been in detention for more than 14 years.<sup>16</sup> Australia's lack of response to the concerns raised by human rights groups, advocates, the international community, and various UN Committees and Working Groups is shameful.

On 1 August 2022, Andrew Wilkie MP reintroduced the *Ending Indefinite and Arbitrary Immigration Detention Bill 2022*. The Bill reflects long-standing asks for reform, including mandating timeframes on detention, introducing a discretionary system that makes detention a last resort, providing safeguards to minimise the harms of detention, and improving oversight over the system. ECCV strongly recommends that the Bill be prioritised, considered and passed by the Australian Parliament.

**Recommendation 5.** That the Australian Parliament considers and passes the *Ending Indefinite and Arbitrary Immigration Detention Bill 2022*.

## 3 Size of the Humanitarian Program

ECCV commends the Government's aspiration to 'progressively increase Australia's humanitarian intake'. Australia's refugee settlement has significantly declined in the past decade. In the 2016-17 financial year, 21,698 humanitarian visas were issued, 18,762 in 2018-2019, 13,171 in 2019-20, and only 5,947 in 2020-21.<sup>1</sup> The delays and disruptions caused by COVID-19 border closures also mean that the 'ceiling' of 13,750 places is unlikely to be met for 2021-22. The sharp decline in Australia's humanitarian resettlement numbers has worrying implications for global humanitarian protection, particularly in the context of changing resettlement needs.

The Australian Government must set a target for the 2022-23 Humanitarian Program and make a full commitment to meeting that target through a flexible combination of offshore and onshore visa grants that is based on human need and vulnerability. The previous Government's plan to maintain the ceiling of 13,750 until 2024-25 is not responsive to resettlement needs and does not recognise the capacity of Australia to make a more substantive contribution to international protection.

ECCV recommends that the Australian Government begin planning to restore the Humanitarian Program to at least 30,000 places by 2023-24, with view to increasing the size of the Program to 35,000 by 2023-25. The Australian Government must also carry over places that were not filled in the reduced intake of the 2020-21 and 2021-22 programs due to delays caused by the COVID-19 pandemic. The selection of

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<sup>1</sup> Source: Department of Home Affairs. These figures include both Onshore and Offshore (Refugee and Special Humanitarian Program).

refugees must be based on the humanitarian need and vulnerability of applicants (i.e., UNHCR referrals), rather than the perceived ‘integration potential’ of applicants.<sup>17</sup>

Modelling suggests that increasing Australia’s humanitarian intake will have a significant economic impact, driven largely by contributions that humanitarian migrants make to labour supply, aggregate demand and filling skills shortages in essential sectors such as health and ageing.<sup>18</sup> Restoring and progressively increasing the size of the Humanitarian Program will bring Australia in line with other countries and its international commitments and obligations.

**Recommendation 6.** That the Australian Government plan to increase the size of the Humanitarian Program in 2023-24 to 30,000 places for both offshore and onshore visa grants, with view to progressively increasing the size of the Program to 35,000 by 2024-25.

**Recommendation 7.** That the Australian Government carry over places in the Humanitarian Program for 2020-21 and 2021-22 that were not filled (in addition to the yearly quota) due to the delays caused by the pandemic, based foremost on the need for protection and level of vulnerability.

## 4 Offshore component of the Humanitarian Program

### 4.1 Humanitarian visa-holders currently overseas

The COVID-19 pandemic caused major disruptions to resettlement. International border closures led to restrictions on mobility and asylum procedures, impeding the timely resettlement of many forcibly displaced people. Australia had some of the strictest border controls throughout the pandemic with the closure of international borders for two years from 2020 to early 2022. During this period, the offshore humanitarian program was largely suspended. There remain a substantial number of offshore visa holders who are yet to travel to Australia. As the Discussion Paper outlines, as of 30 June 2022, this number stands at 9,000.

Humanitarian visa holders waiting to travel to Australia face heightened risks. The longer their displacement, the more vulnerable they are to harm and the more detrimental it is to their settlement outcomes. The Australian Government must take practical steps to facilitate the timely resettlement of humanitarian visa holders who remain overseas. In their Submission to the Humanitarian Program 2021-22, the Refugee Council of Australia (RCOA) identified practical ways of doing this, summarised as follows:

- **Prioritise and escalate vulnerable cases** by implementing existing processes used by Australia for cases that are referred by the UNHCR.
- **Develop a model that enables Humanitarian Settlement Program (HSP) providers to work with clients prior to arrival** so that entrants can benefit from earlier engagement with the settlement process.
- **Facilitate flights for small cohorts in third countries** where there are large groups of current visa holders (e.g., Lebanon, Iraq, India), and from locations where there are direct flights to Australia and fewer logistical barriers to travel.<sup>19</sup>

**Recommendation 8.** That the Australian Government facilitate the timely resettlement of visa-holders currently overseas through a combination of practical strategies, including:

- Prioritising and escalating vulnerable cases
- Enabling settlement providers to work with visa holders prior to arrival
- Facilitate flights for small cohorts in third countries

## 4.2 Family reunification program

Family reunification is an important protective factor for newly arrived migrants and refugees. Families provide an effective support network for refugees making the difficult adjustment to a new life, strengthening their capacity to function in their new country.<sup>20</sup> This reduces social costs in the long-term.

Australia is a signatory to the *New York Declaration for Refugees and Migrants* and the *Global Compact on Refugees*, which commit host countries to facilitating flexible pathways for reuniting with family. Despite this, humanitarian migrants and refugees who settle in Australia have limited opportunities for family reunification. Current policy has underestimated the importance of family for the wellbeing and productivity of migrants and refugees, and to their significance in facilitating successful integration into Australian society.

The Special Humanitarian Program (SHP) is the main pathway for refugees seeking to reunite with family, however demand has far outstripped supply. Other visa streams, such as the Migration Program, provide family reunion options for permanent visa-holders, but access to these is difficult due to prohibitive sponsorship costs, unrealistic evidentiary requirements, and long waiting periods (up to 30 years). Restrictive definitions of 'family' for visa eligibility also disregard cultural differences and understandings of 'family' that may stem from the refugee experience. For example, refugees from various households may depend on each other for mutual support and survival throughout their resettlement journey, and this can give rise to a variety of family configurations that are not recognised under current criteria.

People on TPVs and SHEVs (see **Section 2.1**) are barred from seeking family reunification and are given the lowest priority for processing under the Migration Program. They also risk forfeiting their visa and their right to physical security should they travel outside Australia to meet family members in third countries.

The separation of families and dissolution of support systems is often traumatic and can have long-lasting consequences. It is important that family reunification occurs in the country of resettlement as soon as practicable to minimise the distress associated with prolonged separation. Refugees who are separated from family in their country of settlement are more likely to experience mental ill-health and less likely to engage in study or job training.<sup>21</sup>

ECCV supports calls for the creation of a humanitarian family reunion visa to meet demand, reduce costs and streamline the family reunification process. The Humanitarian Family Reunion Visa Stream should commit to an initial target of 10,000 annual places outside of the Humanitarian Program target.<sup>22</sup> It must also be more accessible, allowing newly arrived refugees to meet some but not all of the eligibility and evidentiary requirements, given the difficulties that many face in securing the necessary support and funds to sponsor their families. It should also prioritise entrants who reside in regional areas and who have no existing family or community ties.

**Recommendation 9.** That the Australian Government create a Humanitarian Family Reunion Visa Stream of 10,000 annual places, outside of the Humanitarian Program target, to meet demand, reduce costs and streamline the family reunification process. The Visa should include flexible concessions for meeting eligibility and give priority to give refugees settled in regional areas who do not have existing family ties in Australia.

**Recommendation 10.** That the Australian Government consult with relevant stakeholders, the UNHCR and refugee communities to review the definition of 'family' used to assess reunification applications, develop a process for determining concessions for eligibility (see **Recommendation 9**), and improve procedures for communicating with applicants seeking family reunification.

**Recommendation 11.** That the Australian Government remove restrictions on family reunion for people who arrived in Australia without a valid visa.

### 4.3 Crisis response – Afghanistan and Ukraine

ECCV applauds the Australian Government's swift response to the crises in Afghanistan and Ukraine, and for creating avenues for nationals from those countries to resettle in Australia. It is also important to recognise that other countries continue to experience significant and protracted upheaval and must be kept on the agenda for resettlement.

#### *Afghanistan*

The lift in places available to Afghan nationals to 31,500 over the next five years is welcome and will be critical in saving the lives of many forcibly displaced people. ECCV again stresses the importance of family reunion for people separated in the crisis and urges that the Australian Government afford Afghan nationals currently on temporary visas priority pathways to permanent settlement and family reunification (see **Sections 2.1** and **4.2**).

The *Afghan-Australian Community Settlement Support* package is a welcome initiative, investing \$27.1 million over two years to provide tailored settlement support for nationals fleeing the crisis in Afghanistan. ECCV stakeholders in regional Victoria have expressed concern that the Settlement package, which is administered by the Migration Council of Australia, has not prioritised funding for agencies in regional areas such as Greater Shepparton, which is home to the largest Afghan community in regional Australia. Resettlement in communities that share one's culture and language is often the best resource for newly arrived refugees. Many refugees who were first settled in metropolitan centres choose to relocate to regional Victoria due to a number of pull factors, including living affordability, employment opportunities and existing cultural communities.

Resettlement is a lifelong process, and programs such as the Settlement package can offer a flexible response to emerging needs that arise through secondary migration, which is unstructured and, as a result, inadequately resourced (See **Section 6.1**). As regional settlement continues to be prioritised by the Humanitarian Program, it is important that organisations in the regions have the capacity to support growing communities and respond to the pressures created by population mobility.

ECCV recommends that the Australian Government develop a long-term strategy to inform the lifelong resettlement and place-based needs of Afghan nationals that prioritises strong collaboration between settlement providers, different levels of governments, and local Afghan communities in both metro and regional Australia. In recognition of the complex and protracted crisis in Afghanistan, the Settlement package must also be extended, and its grant guidelines brought in-line with Australia's long-term strategy for the resettlement of Afghan nationals.

#### *Ukraine*

In response to the crisis in Ukraine, the Australian Government prioritised visa processing for Ukrainian nationals and on 20 March 2022 began providing access to the Temporary Humanitarian Concern visa, which is valid for three years and allows the visa-holder to work, study and access Medicare. ECCV also welcomes the funding allocated to assist community groups providing support to Ukrainian nationals. Since 23 February 2022, more than 8,600 Ukrainian nationals have been granted visas, and as of 30 June 2022, over 3,800 of those visa holders had arrived in Australia.<sup>23</sup>

ECCV joins other organisations in expressing concern about the visa cut-off date of 31 July 2022. Displaced Ukrainians who did not receive or accept their temporary stay offer (a pathway for the Temporary Humanitarian Concern visa, subject to a medical check) by 31 July 2022 must consider other visa options, many of which do not afford the right to work, study or access Medicare. There is currently no end in sight for the humanitarian crisis in Ukraine. The Australian Government must take a flexible approach and extend the deadline for as long as necessary or consider exemptions and other alternatives to continue supporting displaced Ukrainians.

**Recommendation 12.** That the Australian Government extend the *Afghan-Australian Community Settlement Support* package and develop a long-term strategy to inform the resettlement of Afghan nationals in collaboration with settlement providers, different levels of government, and local Afghan communities.

**Recommendation 13.** That the Australian Government urgently extend the 31 July 2022 deadline for Ukrainian nationals fleeing the humanitarian crisis in Ukraine or consider exemptions and other alternatives to continue supporting displaced Ukrainians.

## 5 Onshore component of the Humanitarian Program

### 5.1 Backlog of applications

A significant number of people who arrive in Australia with a valid visa seek asylum by lodging a Permanent Protection Visa (PPV). Since 2015-16, the number of applications jumped from 12,617 to 27,931 in 2017-18.<sup>24</sup> Although lodgments declined to 11,864 due to border closures in 2020-21, the number of applications remain much higher than those in 2013-15, when the Liberal National Party took power.<sup>25</sup> Despite increasing demand for asylum in Australia, the number of visas granted has declined in the same period, with only 1,389 granted in 2020-21.<sup>26</sup>

Since 2014, amendments to the *Migration Act 1958 (Cth)* have allowed the Minister for Immigration to place a limit on the number of protection visas granted in any year. Once that ceiling is reached, a person who is recognised as a refugee in Australia must wait until the following financial year to be granted a visa. There is a significant backlog of applications, with many waiting years for a decision to be made. As of 30 June 2022, 26,227 people were awaiting a decision on refugee status determination, while 68,685 people who were not granted a protection were awaiting deportation.<sup>27</sup> This ceiling should be removed to ensure that people seeking asylum have greater certainty.

People who arrive in Australia with a valid visa can seek permanent protection and have a right to both merits and judicial review. As discussed in **Section 2.2**, delays in merits review decision-making by the Administrative Appeals Tribunal (AAT) have contributed to the backlog of applications. As of 31 May 2022, only 26% of refugee decisions were finalised within a year, with the median time for decisions being 115 weeks, an increase from the previous financial year (34% and 104 weeks, respectively).<sup>28</sup>

The Australian Government must invest in clearing the lengthy visa processing times and application backlog. The Government has indicated that it will prioritise permanent visa applications for skilled workers outside of Australia to help fill labour shortages. ECCV is concerned that this will come at the expense of asylum seekers and temporary visa-holders already in Australia, many of whom are on Bridging Visas without work rights or access to welfare. A significant number of PPV applicants also have limited access to the Status Resolution Support Services (SRSS) scheme due to the narrowing of eligibility criteria in recent years.

ECCV has previously advocated for people on temporary visas, who face an ongoing lack of support while they wait for a decision to be made about their permanent visa applications.<sup>2</sup> Women on temporary visas who experience family violence are a particularly vulnerable group, with limited support and access to safety and housing options.<sup>29</sup> Federal funding has offered some financial relief for temporary visa-holders through one-off payments, however this does not meet the needs of many people in the community. In the absence of federal intervention, particularly during the COVID-19 pandemic, the States and Territories have also stepped in to assist temporary visa-holders. These short-term measures are not sustainable and leave many people at risk of harm, destitution, homelessness, exploitation, and mental

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<sup>2</sup> See ECCV's [Pre-Budget Submission 2021-2022](#).

ill-health. The Government must acknowledge the ongoing impacts of COVID-19 and provide additional resourcing to support settlement services.<sup>30</sup>

**Recommendation 14.** That the Australian Government increase resourcing for the Department of Home Affairs to effectively clear the visa backlog, with priority given to Permanent Protection Visa (PPV) applications.

**Recommendation 15.** That the Australian Government remove the ‘ceiling’ for the number of onshore Permanent Protection Visa (PPV) applications granted every financial year.

**Recommendation 16.** That the Australian Government increase Status Resolution Support Services (SRSS) funding, expand SRSS eligibility requirements and explore other ways to provide sustainable and long-term support for people on temporary visas who are seeking asylum.

## 6 Regional settlement in Victoria

As recognised in the Discussion Paper 2022-23, regional settlement is a central component of the Humanitarian Program. The Australian Government’s long-term policy has been to promote settlement and population growth in regional centres, through both the Humanitarian Program and the Migration Program. Growing attention has been paid to filling population and skills shortages in regional Australia, in recognition of the opportunity that migration provides in helping regional communities grow and flourish.

ECCV works closely with members and stakeholders based in regional Victoria and is uniquely positioned to provide advice on matters that affect settlement in those locations. Although we only consulted with Victorian stakeholders, the issues raised are likely to arise in other regional contexts because they relate to systemic problems, including concerns about housing affordability, pull factors for employment, and the resourcing and coordination of settlement assistance services. There has been a significant increase in the proportion of humanitarian entrants settled in regional locations – from 42% in 2018-19 to 64% in 2020-21 – and it is important that these communities, their local organisations and service providers, are adequately supported throughout the resettlement journey.<sup>31</sup>

### 6.1 Structural challenges

ECCV stakeholders reported that housing affordability and availability is the most significant challenge for new arrivals settling in regional Victoria. With this comes increased challenges for mental health, financial security, and family violence. The delayed inflow of humanitarian entrants due to the COVID-19 pandemic has created a housing crisis as people relocate from Melbourne for lifestyle and flexible remote work purposes. This has created extreme pressure on local rental markets, making it difficult for new arrivals to locate housing within an affordable price range. Rising inflation and stagnant wage growth compound these issues for low-income families.<sup>32</sup> Settlement services are helpless to solve these issues as they relate to systemic policy failures that favour private property ownership, and the absence of a coherent plan at state and national levels to increase the supply of affordable and accessible housing. In some regions, the cost of housing is not only prohibitive, but the resourcing of housing services is also limited, with many too under-resourced to meet demand. Other pressures and challenges include:

- Lack of proper infrastructure and services, including schools, reliable transport and health infrastructure
- Access to affordable and regular early years education and childcare. Adult clients experience difficulties with finding suitable and affordable childcare while attending English classes.
- Long wait times for general practitioners, with some clinics not taking on new clients
- Lack of resourcing for services to provide migrants and refugees with enough support to address all of their individual needs.

- Decline in sustainable employment opportunities
- Isolation and difficulty making meaningful connections with the community during the pandemic, the after-effects of which are still being felt for new arrivals.

### *A place-based approach*

These challenges highlight the need for a place-based approach to settlement, which involves addressing settlement needs at the local level, and in a manner that is tailored to different regional locations. New arrivals must have access to the support required to successfully integrate and transition to living in a new country. Without such support, many refugee populations will migrate to other regions or metropolitan centres. As discussed in **Section 4.3**, secondary migration is unstructured and difficult to respond to through existing funding streams.

Once the Australian Government has identified a regional location as an area of settlement, its suitability must be monitored and evaluated on a regular basis. As discussed above, local circumstances in regional settlement locations are subject to change due to different economic, social and political pressures. The Australian Government must thoroughly review those locations, in consultation with the settlement sector and regional communities, to determine local workforce needs, assess the availability of appropriate housing, and identify service gaps (such the availability of interpreters), response strategies, and community attitudes towards migrants. Such measures will help ensure that settlement supports in regional communities are effective, efficient and responsive to local needs. The presence of strong, adequately resourced and well-established settlement services is essential to meeting the settlement needs of regional communities and must be prioritised by the Australian Government.

**Recommendation 17.** That the Australian Government review the funding allocated to regional settlement services given the greater level of capacity-building work required to ensure successful settlement for refugees in regional Australia.

**Recommendation 18.** That the Australian Government take a place-based approach to regional settlement by working closely with settlement providers to regularly review and monitor service gaps, workforce needs, and the availability of appropriate local supports, amenities and programs.

## 6.2 Settlement assistance

### *Humanitarian Settlement Program (HSP) providers*

Significant delays in offshore visa processing have had a major impact on contracted services that receive federal subsidies based on settlement intake, such as Humanitarian Settlement Program (HSP) providers (see **Section 4.1**). This has led to significant job losses in the settlement sector. In Mildura, stakeholders have reported that only single men (rather than families) have been resettled in the region since the reopening of Australia’s international borders. The sharp decline in resettlement intake has placed services such as English language education centres at risk of closure in the next year. Without access to such services, many people who have resettled are unable to pursue further education and therefore skilled employment – which is key to successful settlement.<sup>33</sup>

The fee-for-service model is administratively burdensome and has made it difficult for contracted agencies to retain highly specialised staff. The skillset and expertise of settlement services staff is acquired through years of experience and cannot be easily replaced. The Australian Government must ensure that HSP providers can retain skilled staff if it intends to ‘progressively increase Australia’s humanitarian intake’ in the coming years. A decrease in the service capacity of regional settlement providers means that they will be unable to scale up their services to meet demands created by the natural increase in the number of entrants. The capacity of service providers in regional areas is of added importance as the majority of humanitarian entrants who settle there are ‘unlinked’ and do not have

existing family or network ties in Australia that can assist with navigating systems and services (see **Recommendation 9**).

### *Access to settlement support*

The Settlement Engagement and Transition Support (SETS) Program provides newly arrived migrants and refugees with information, advocacy and assistance to access essential services and supports, such as employment, housing and education and training. However, eligibility for the SETS is limited to the first five years of settlement in Australia.

ECCV stakeholders have reported that many humanitarian entrants continue to face many challenges that need to be addressed after their first five years of settlement. Eligibility should not be limited to a blanket length of five years and must instead be assessed on a case-by-case basis, with consideration given to the long-term support and cultural needs of SETS clients. Settlement is a lifelong process and new experiences are part of the settlement cycle. ECCV Stakeholders reported that five-year criteria are particularly problematic when those new experience give rise to new challenges, such as the following:

- **Family violence prevention:** funding has been provided for casework and group programs, however addressing the prevention of family violence often requires collaboration with community leaders who have been in Australian for longer than five years. Training and consulting with community and faith leaders who are often the first point of call is required but does not fall into the STETS funded work.
- **Disclosure of family violence:** there was a reported increase of family violence during and after the COVID-19 lockdowns. By the time that clients are comfortable with disclosing family violence issues they are close to the end of their five-year settlement and any ongoing work to assist them is not resourced.
- **Acquiring citizenship:** new arrivals cannot apply for citizenship until they have lived in Australia for a period of four years, including 12 months as a permanent resident. Citizenship represents a new milestone for many refugees but applying for it can be a complex and long process, particularly for people with limited English language proficiency and digital literacy. Those who need additional support are no longer eligible through SETS, and there are no other services available to support them. There can be severe consequences for completing the process incorrectly, such as the loss of permanent residency.
- **Ageing communities:** older migrant communities in regional Victoria are now encountering the aged care system and there is no targeted funding to support them with navigating those services.
- **Ongoing impact of COVID-19:** many services and programs were moved online during the pandemic. People with limited English proficiency, low digital literacy and no consistent access to digital devices faced many challenges with accessing services without in-person support. This placed a lot of strain on SETS workers, who had to engage in more individual advocacy. Language was also an issue as many online resources were not translated or provided in-language for less common community languages, such as Hakha Chin and Zomi. Given these challenges, it is important that funding models do not increasingly turn to online service provision as an 'easy' cost-cutting measure. ECCV stakeholders also reported that disruptions to schooling for new arrivals slowed their progress in education and therefore their integration and settlement.

### *Service coordination*

ECCV stakeholders reported that Federal and State governments often do not work together to coordinate 'communities of practice' or other networks for the purposes of facilitating effective settlement outcomes. For example, many mental health services in Melbourne's Eastern Metropolitan region have limited ability to engage interpreters and provide language support, resulting in these

services leaning on SETS providers for support.<sup>3</sup> Stakeholders have also reported inadequate funding for the capacity-building aspect of SETS in regions with high secondary migration (such as Greater Shepparton), due to those funds being allocated elsewhere. Inadequate funding also means that agencies cannot offer secure long-term employment for settlement workers, so the focus must be on regularly rebuilding relationships with target communities.

Many of these gaps are difficult to address without enhancing collaboration and service coordination between federal and state governments. Initiatives at the state level have allowed stakeholders to develop the local knowledge necessary to address these gaps. In Victoria, Strategic Engagement Coordinators (SECs) are funded by the state government to fill gaps in settlement assistance and to strengthen the settlement outcomes of migrant and refugee communities. SECs are able to address emerging and changing support needs throughout the settlement journey – not just those that arise in the first five years of settlement or prior to secondary migration.

The Australian Government must explore ways to advance an integrated whole-of-government response to resettlement. For example, greater coordination can be instituted through joint governance, whereby Federal and State governments enter bilateral agreements to coordinate and fund services. This will help build greater transparency and channels for communication, allowing governments to follow up on and assess emerging settlement issues across Australia, such as the place-based factors that drive secondary migration (see **Section 6.1**).

The Australian Government can also bridge the distance between decision-makers, service providers, and other stakeholders by convening a Forum to advance the development of an integrated whole-of-government response. An open and regularly convened Forum can help facilitate ‘communities of practice’ that encourage the sharing of best-practice and innovative ways of solving complex challenges. Currently, innovation is stifled by the intake-driven model for HSP providers, whose current capacity has been strained due to the suspension of the humanitarian program during the COVID-19 pandemic (see **Section 6.2**).

**Recommendation 19.** That the Australian Government increase funding to the Settlement Engagement and Transition Support (SETS) Program, remove the blanket five-year eligibility for settlement support and take an individualised approach to assessing and supporting the lifelong settlement needs of humanitarian entrants.

**Recommendation 20.** That the Australian Government ensure that settlement providers are adequately resourced to meet the expected increase in the humanitarian intake and explore ways to retain specialised settlement support staff whose jobs are at risk due to the intake-driven funding model.

**Recommendation 21.** That the Australian Government convene a Forum with intergovernmental bodies, settlement organisations and other relevant stakeholders to advance the development of an integrated whole-of-government response to resettlement in Australia.

### 6.3 The Community Refugee Integration and Settlement Pilot (CRISP)

ECCV commends the Australian Government for implementing the recommendations of the *Shergold Review* with the introduction of the Community Refugee Integration and Settlement Pilot (CRISP).<sup>34</sup> The *Shergold Review* highlighted concerns about the Community Support Program (CSP) that were raised by stakeholders over the past decade. These are summarised as follows:

- The 1,000 places set aside for the CSP come from the humanitarian quota, and sponsorship is privatised rather than a responsibility that is shared by the community.

<sup>3</sup> See ECCV's research paper, [Community perspectives on asylum seeker and refugee mental health](#).

- Costs are prohibitively high, deterring community sponsors from participating in the program.
- The narrow criteria for the CSP exclude those who are in most urgent need of resettlement.
- The CSP focuses on individuals or businesses being sponsors, rather than communities coming together to sponsor refugees, which can improve settlement and integration outcomes. Focusing on the individual increases the risk of exploitation, financial pressure, and relationship breakdown.

The CSP failed to garner widespread community participation and, without significant reform, is unlikely to do so in its current form. We applaud the Australian Government for aspiring to increase CSP places from 1,000 to 5,000 but contend that resources would be better invested in the Community Refugee Integration and Settlement Pilot (CRISP). To facilitate this, the Australian Government must engage in early planning and consultation to transition the CSP to the CRISP. Existing CSP infrastructure and resourcing can be absorbed and used to increase the yearly intake for the CRISP to 6,500 by 2024-25.

Modelled on a the highly successful Canadian program, the CRISP seeks to address concerns about the CSP by providing the first sustainable, accessible and affordable opportunity for broader community involvement in refugee sponsorship. Still in its early stages, the CRISP offers a much more promising approach to how communities can welcome and sponsor refugees in Australia. The success of the CRISP will depend on a range of factors. At this stage, it appears to have the framework upon which further improvements can be made.<sup>35</sup> For the CRISP to become a leading sponsorship program, it is essential that its resourcing keep pace with its growth and that new learnings are regularly monitored, reviewed and incorporated.

The allocation of 1,500 places over four years is modest and, as discussed above, can be increased through sufficient planning. ECCV also urges that the Government make CRISP places additional to rather than part of the quota for the Humanitarian Program.

ECCV stakeholders recommended that the Government allow the CRISP cohort to have limited access to the SETS and HSP programs to ensure that the expertise of those services can be utilised and tapped into by sponsors. Once the CRISP is better established, the support provided by these programs should be incorporated into the community sponsorship model itself. This should include the provision of comprehensive cross-cultural training, orientation and support throughout the process, so that sponsors are aware of the settlement challenges for refugees, the supports available, and what they can expect.

**Recommendation 22.** That the Australian Government take a consultative and planned approach to transition the Community Support Program (CSP) to the Community Refugee Integration and Settlement Pilot (CRISP) model, and strategically use existing CSP infrastructure and resourcing to increase yearly intake for the CRISP to 6,500 by 2024-25.

**Recommendation 23.** That the Australian Government make CRISP places additional to rather than part of the Humanitarian Program quota.

**Recommendation 24.** That the Australian Government ensures that the CRISP:

- is adequately resourced to support both sponsors and refugees with ongoing training and orientation programs,
- retains sustained resourcing so that it can scale up and keep pace with expected growth;
- allows limited access to the SETS and HSP programs so that sponsors and refugees can utilise and tap into the expertise of settlement providers while the CRISP is in its early stages; and
- is outcomes-focused, responsive to emerging needs and capable of supporting sponsors and refugees throughout the settlement process.

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