

Founded in 2001, the Asylum Seeker Resource Centre (ASRC) is Australia's largest independent aid and advocacy organisation for people seeking asylum and refugees, supporting and empowering people at the most critical junctures of their journey.

The ASRC welcomes the opportunity from the Assistant Treasurer and Minister for Financial Services to provide a 2023-24 Pre-Budget submission informed by ASRC's employment, education, legal programs and frontline services, working with tens of thousands of people seeking asylum and refugees over two decades.

## Key Points

- **Social Safety Net:** the Federal Government must adequately fund current social services available to people seeking asylum and provide access to mainstream social services during their application process.
- **Detention Regime:** The Federal Government spends over \$1 billion a year on detaining refugees through onshore and offshore processing - this funding could be invested into alternatives to detention, medical evacuation and social support.
- **Humanitarian Intake:** Increasing Australia's humanitarian intake immediately to at least 32,000 places and providing an additional emergency intake of 20,000 for people from Afghanistan.
- **Permanent visas:** For over a decade, the 31,000 people subjected to the Fast Track process have been waiting for a pathway to permanent visas. To ensure permanency for this cohort is fair and efficient, funding must be allocated urgently.
- **Fair and Efficient Application Process:** The refugee status determination process is underfunded and understaffed while lacking expertise and funded legal assistance for people seeking asylum. The increased processing of certain visa backlogs and the abolition of the AAT are positive first steps, but more can be done in the 2023-24 Budget for protection visa applicants.

## Social Safety Net

People seeking asylum in Australia are systematically excluded from mainstream social support systems that others in the community enjoy. Without this vital support, people seeking asylum are prevented from rebuilding their lives, integrating into the community and engaging effectively with the protection visa application process.

The Albanese Government has, through the Australian Labor Party (ALP) National Platform, [committed](#) to providing people seeking asylum "access to funded migration assistance, and to appropriate social services, including income, crisis housing, healthcare, mental health, community, education and English as a Second Language support during the assessment of the claim for protection."

ASRC advocates for this to be provided through mainstream social support services through Centrelink. However, over recent years there has been a substantial decrease in the current, and insufficient, “transitional allowance” provided to people seeking asylum through Status Resolution Support Services (SRSS).

Despite a substantial increase in the processing wait times for protection visa applications and a corresponding backlog of cases over the previous decade, there has not been an increase in funding for safety nets.<sup>1</sup> Rather the opposite occurred, with more people seeking asylum waiting longer for their applications to be processed whilst being denied access to critically underfunded services. In addition, the uncertainty caused by protracted processing has had a significant impact on people’s mental health and some people require more support services.

This situation has put a disproportionate and unsustainable workload on State Governments and, in particular, charities to fill the vacuum left by the Federal Government. A combination of COVID-19 and inflation has meant that the decline in social support available to people seeking asylum has reached a crisis point.

ASRC has seen a [doubling](#) in the number of people accessing services since 2018, the same year eligibility and funding to [SRSS were cut](#). While issues such as COVID-19 and cost of living pressure play a role in the increased need, these very issues also reduced the capacity of [charities](#) to meet the needs of people at the same time as the Federal Government is withdrawing from its responsibility.

In the 2022 October Budget, the Albanese Government provided no additional social support funding to people seeking asylum and has maintained the paltry and already slashed Morrison Government commitments. Support for people seeking asylum was [\\$36.9 million](#) in 2022-23, compared to [\\$300 million](#) in funding in 2015/2016.

The funding cuts occurred at the same time as stringent eligibility requirements were introduced, which saw the number of those receiving SRSS dropping from 13,299 recipients in [February 2018](#) to 1,578 in [August 2022](#), and only 1,387 of whom are receiving income support. Out of the over 70,000 people waiting for an outcome of their protection visa applications, less than 3% are receiving support. Making SRSS and the right to work mutually exclusive is also a needlessly cruel and counterproductive policy. People seeking asylum should have ongoing work and study rights as well as access to social safety nets.

SRSS must urgently be refunded, however, people seeking asylum must also have access to mainstream social support through Centrelink, such as the Special Benefit payment, along with specialist services.

Whilst the Albanese Government instituted positive programs in the [2022-23 October Budget](#) to provide social support to certain people seeking asylum, the majority of the refugee community

---

<sup>1</sup> As of August 2022, the average Department of Home Affairs processing time for a Protection visa was 1,076 days. As of 31 December 2022, the AAT [processing times](#) for protection cases was 1,968 days. In addition, applicants seeking judicial review of their Protection visa refusals wait for at least two to three years for their matter to be finalised.

did not benefit from this funding. For example, the \$4.7 billion over four years from 2022–23 allocated to the Child Care Subsidy (CCS), excludes people seeking asylum who are awaiting an outcome on their protection visa application; as explained, this wait time is often several years. It is unreasonable to deny this vital service to protection visa applicants who are parents.

Further, there was \$18.4 million over four years from 2022–23 allocated to temporary visas for people from Ukraine, an extension of their access to Medicare, and \$0.6 million in additional funding for the Ukrainian Community and Settlement Support program. It is inconsistent that similar funding was not provided to other communities that have seen a recent influx of people seeking asylum due to dire humanitarian crises, most notably people from Afghanistan.

**Recommendation: Refund SRSS at least to pre-2018 levels of \$300 million and expand eligibility.**

**Recommendation: Provide people seeking asylum access to mainstream social support services, including Centrelink programs such as Special Benefit, public housing, specialist services as well as work and study rights.**

## Detention Regime

Successive Governments have chosen to spend billions of dollars on a wholly unnecessary, cruel and ineffective policy of holding people seeking asylum offshore and in a network of onshore detention centres, instead of investing in alternatives to detention that are humane and cost-effective.

The most recent budget allocated a staggering \$1.3 billion to maintain an increasingly cruel onshore immigration detention regime with \$1 billion annually over forward estimates.

The Albanese Government is also spending \$632 million to hold refugees offshore according to the October 2022-23 budget, a blowout of nearly \$150 million on the Morrison Government's funding. This follows a recent \$70 million 4-month-long contract to a US private prison company, MTC, to operate on Nauru, currently accused of [pandemic profiteering](#) and [unlawful](#) use of solitary confinement, amongst various other instances of negligence and excessive use of force. In contrast, the annual [average administered cost](#) of a person seeking asylum living in the community on a bridging visa was \$3,962 in 2020-21.

The moral and financial black hole that constitutes Australia's onshore and offshore immigration detention regime has come at the cost of Australia's international standing, the allocation of resources to viable alternatives and the human rights of people seeking safety.

We encourage the Albanese Government to explore alternatives to detention and release people seeking asylum who pose no risk into the community with adequate social support, work rights and study rights. Currently, people who are released after years in immigration detention do not receive any support to assist with their reintegration into the community; they often face destitution, which increases the risk of them being caught up in the criminal justice system. It is

vital that anyone released from immigration detention is supported in their transition to life in the community.

Similarly, after a decade of trauma and harm, refugees held offshore are in critical condition and should be urgently evacuated to Australia for medical care as well as provide a clear and efficient pathway to permanent resettlement.

Specific mention must be made regarding the North West Point Immigration Detention Centre on Christmas Island, which fosters a unique sense of tension, hopelessness and fear among people held there. Its isolation has significant ramifications for providing healthcare and access to legal assistance, the mental health of detainees and adequate oversight of detention conditions.

In 2020 the Morrison Government reopened the detention centre on Christmas Island, despite the excessive cost of \$464.7 million, in response to the increasing detention population due to COVID-19. Instead of reducing the number of people held in detention like in other countries such as the US, UK and Canada, the Government chose the [opposite approach](#) and expanded the detention regime during the pandemic.

Numerous human rights groups were concerned for the safety of people seeking asylum and refugees due to the previous abusive treatment of people held in detention on Christmas Island. The Australian Border Force at the time directly replied to these concerns [stating](#) that “No refugees are being transferred to [Christmas Island.]” As of 31 August 2022, 87 [refugees](#) were held in detention on Christmas Island, nearly half of all people held there.

The disproportionate spending on the detention of refugees and people seeking asylum is a choice. A choice where the Government decides that harming and traumatising people who came to this country to seek protection is a better use of resources than humane treatment that respects human rights and efficient processing of applications or pathways to resettlement.

**Recommendation: Use funding currently directed to keep refugees offshore to urgently evacuate all those held in PNG and Nauru as well as provide appropriate services in the community when they arrive.**

**Recommendation: Reduce spending on keeping refugees and people seeking asylum in detention and reallocate funding towards supporting people in the community safely.**

**Recommendation: Permanently close down the North West Point Immigration Detention Centre on Christmas Island.**

## Humanitarian Intake

The ALP won the election with a policy of increasing the humanitarian intake to 27,000 places per year over four years, as well as an additional 5,000 places for community sponsorship. However, the previous budget omitted this policy, maintaining the Morrison Government’s humanitarian intake maximum of 13,750 people.

Furthermore, 2021-22 did not meet the ceiling for humanitarian intake, only [providing](#) 13,307 resettlement visas, which comes after the [historically low](#) intake of 5,947 places in 2020-21. With Australia failing to adequately respond to its global responsibility, increasing the intake cannot be delayed any longer.

The lack of an increase in humanitarian intake is particularly concerning in the case of Afghanistan, where there has been sustained community pressure for an additional 20,000 emergency humanitarian places. People from Afghanistan made up 88% of offshore humanitarian visa applications in [2021-22](#). The Morrison Government's commitment to 16,750 places over four years (not all of which will be additional places to the current intake) is grossly insufficient.

The ALP's commitment to "a humanitarian migration program that reasonably responds to international humanitarian crises as they arise" necessitates a robust and appropriate response to the worsening humanitarian situation in Afghanistan that reflects the moral responsibility of the Australian Government after a 20-year-long war in the country.

**Recommendation: Provide emergency and additional humanitarian intake of 20,000 people from Afghanistan this year.**

**Recommendation: Increase Australia's humanitarian intake to at least 32,000 places a year.**

## Permanent Protection

After a decade of cruelty, the 31,000 people seeking asylum on Temporary Protection Visas (TPV) and Safe Haven Enterprise Visas (SHEV), who were subjected to the unfair Fast Track system through the Immigration Assessment Authority (IAA), need a clear and efficient pathway to permanency.

There are currently around 19,500 people living on TPVs and SHEVs as well as 11,500 people who are still at the review stage and who have been denied protection under the 'Fast Track' process. Fast Track is an unfair process and one that the ALP itself has promised to abolish.

The Albanese Government came to power due to the public wanting a more compassionate and caring approach to refugees. Promising to provide permanent visas for refugees and people seeking asylum who are currently subjected to cruel temporary visas and creating a fair and effective refugee review system was a key part of this. Many were assured this would happen in 2022 but it did not, causing significant stress and distress. Providing adequate funding to ensure this transition to permanency for all 31,000 people affected is integral.

**Recommendation: Provide funding for a clear, fair and efficient pathway to permanency for the 31,000 people seeking asylum subjected to the Fast Track system.**

## Fair and Efficient Humanitarian Application Process

ASRC welcomes the Albanese Government's announcement that the Administrative Appeals Tribunal (AAT) will be abolished. We look forward to working closely with the Government in the creation of a fair and efficient process through a new body. The processing of applications for people seeking asylum has faced increasing delays due to a lack of meritorious appointments at the AAT as well as inadequate funding, and the new body must correct these issues.

The Attorney-General [announced](#) in December 2022 that there would be \$63.4 million over two years for an additional 75 members to address the current backlog of cases at the AAT and reduce wait times. This is a welcome initiative.

However, it should be noted that the 2020-21 Federal Budget [allocated](#) an additional \$54.8 million over four years to address specifically the backlog of cases within the Migration and Refugee Division (MRD) of the AAT. This was paid for by substantial and unaffordable increases in application fees to review non-protection visa decisions. However, this funding was insufficient to address the AAT backlog in the MRD with the subsequent Budget [stating](#) "overall on-hand caseload is increasing", meaning the changes have only served to make review less accessible. As such, funding in the past has been insufficient when not accompanied by funded legal assistance to applicants and meritorious appointments.

Underfunding was similarly seen at other stages of the protection application process. Funding for the Department's visa application processing as well as the Tribunal and courts is integral to providing a fair and efficient system. While the Albanese Government has made significant and commendable progress in reducing the backlog of visa applications, this has not yet extended to protection and humanitarian visas.

ASRC's legal program has also observed a concerning trend where certain protection visa applicants are not being invited for Department interviews to discuss their protection claims - it appears this approach may have been taken to process applications faster. Interviews are integral to applicants being afforded procedural fairness and having a proper opportunity to explain their protection claims. It is vital that fairness and justice are not compromised at the expense of quick processing, and that the Department is adequately staffed to process the existing backlog.

Furthermore, the March 2014 decision by the Abbott Government to defund legal assistance and prevent the majority of people seeking asylum from accessing funded legal assistance has negatively impacted on the fairness and efficiency of our refugee status determination process. Over the years, the funding for legal assistance has been whittled down and since [August 2022](#), there has been no government-funded legal assistance available for Protection visa applicants.

The lack of free legal assistance to people seeking asylum has had a devastating impact on people's ability to engage with the legally complex visa application process due to the many barriers they face including literacy and language skills, poor mental health, and isolation from community support, especially for those held in immigration detention. Free legal assistance should be provided to all people seeking asylum throughout their visa application process,

including at the review stage. Without this support, people seeking asylum cannot effectively engage in the refugee status determination process, which will increase the risk of unfair outcomes and inefficient visa processing.

**Recommendation: Allocate appropriate resourcing to the Department, the Tribunal and to courts to resolve cases quickly and fairly.**

**Recommendation: Ensure all people seeking asylum have access to Government funded legal assistance throughout their application process.**