

Founded in 2001, the Asylum Seeker Resource Centre (ASRC) provides essential services to 7,000 people seeking asylum and refugees in the community in Victoria, in detention nationally, and held offshore.

Our services include casework, legal, housing, medical, education, employment and emergency relief. Based on what we witness through our service delivery, we advocate for change alongside refugees to ensure their basic rights are met and they can live in safety and with dignity.

Introduction

ASRC welcomes the opportunity to contribute to the consultation on the management and composition of Australia's Humanitarian Program 2023-24.

Australia has the ability to become an international leader in its humanitarian program and successfully resettle refugees and people seeking asylum in the community. If the Albanese Government wants to establish a world-leading and successful humanitarian settlement system, it needs to not only welcome more refugees but ensure that the system is fair, efficient and humane.

The low humanitarian intake over successive years is not an isolated flaw of Australia's humanitarian program - it is emblematic of systemic failures that include protracted delays, unfair visa processing and offshore detention. Ensuring people have the basic rights needed to thrive while in the community must be implemented alongside other urgent reforms, such as increasing the humanitarian intake to ensure the successful management and composition of Australia's humanitarian program.

Recommendations

Recommendation: Immediately increase Australia's humanitarian intake to at least 27,000, and an additional 5,000 places through community sponsor programs.

Recommendation: Provide additional intake when humanitarian emergencies emerge in a consistent, fair and humane manner.

Recommendation: Delink the target for offshore humanitarian intake from the onshore humanitarian intake and ensure there is no target/ceiling for the onshore humanitarian intake.

Recommendation: Reintroduce 'the 90-day rule' requiring that refugee status determinations are concluded within 90 days from the time of application.

Recommendation: Ensure the entire humanitarian visa process is adequately funded and staffed by people with the requisite skills and experience.

Recommendation: Provide people seeking asylum access to government-funded legal assistance throughout the refugee status determination process, including the review stages.

Recommendation: Provide ongoing study rights and work rights for people seeking asylum on bridging visas for the duration of their protection visa application process, including merits review and judicial review stages.

Recommendation: Immediately expand eligibility to Status Resolution Support Services.

Recommendation: Provide people seeking asylum access to mainstream social support services, including Centrelink programs such as Special Benefit, for the duration of their protection visa application process, including merits review and judicial review stages.

Recommendation: Abolish the Fast Track process, including the Immigration Assessment Authority.

Recommendation: Provide permanent residency to all people seeking asylum subjected to the unfair Fast Track process.

Recommendation: Abolish temporary protection visas.

Recommendation: Offer all people currently held offshore in PNG and Nauru evacuation to Australia.

Recommendation: Provide clear, fair and humane resettlement pathways for all people subjected to offshore detention.

Humanitarian intake

Size of humanitarian intake program

There must be an immediate increase in Australia's humanitarian intake. There has been widespread support for this increase over a sustained period of time, which is evidenced by the response to the 2022-23 Humanitarian Program consultations that stated:

“Stakeholders were universally supportive of the Government’s plan to increase the size of the Program...”¹

Despite this consultation, in the most recent Federal Budget, the Albanese Government did not specify what the intake number will be, however, in the absence of any new information, it can be inferred that the intake levels are at the same levels as the Morrison Government’s 13,750. The October 2022-23 Budget also failed to provide clarity on any increase to the humanitarian intake.

¹ Department of Home Affairs “Summary of Responses to the Consultations on the 2022-23 Humanitarian Program” (2023)
<https://www.homeaffairs.gov.au/reports-and-pubs/files/summary-of-the-22-23-humanitarian-program-consultations.pdf>.

However, in the most recent Budget, it was indicated that the humanitarian intake was a “target” as opposed to a “ceiling” as previously stated by the Morrison Government, which is a positive development.²

The lack of any increase in the humanitarian intake is also contrary to the ALP National Platform, which aspires to increase Australia’s government-funded humanitarian intake to 27,000 places per year, plus an additional 5,000 places per year through community sponsor programs.³ The Albanese Government has now been in power for over one year and has introduced two budgets, yet has not acted on its policy platform, despite the clear need and public support.

Furthermore, the increase of 27,000 humanitarian places is modest compared to countries such as Canada, which is planning to resettle more than 50,000 refugees this year.⁴

The stagnation in Australia’s humanitarian intake occurs at the same time as the number of people displaced around the world is over 100 million.⁵ As the graph below demonstrates, Australia’s humanitarian intake has failed to keep pace with the number of people in need of safety.

² Department of Home Affairs “Portfolio Budget Statements 2023-24” (2023).

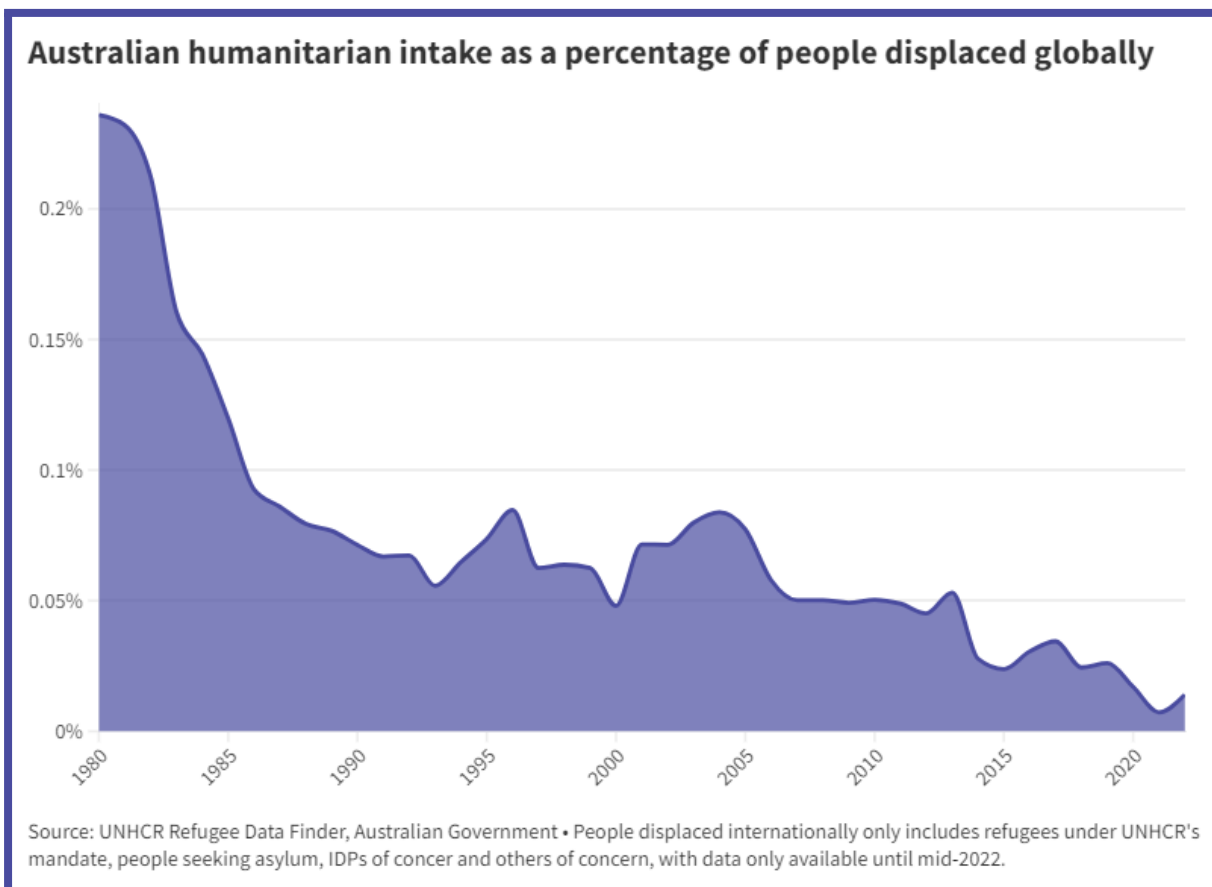
³ Australian Labor Party, “ALP National Platform” (2021)

<https://alp.org.au/media/2594/2021-alp-national-platform-final-endorsed-platform.pdf>.

⁴ The Conversation “How Canada plans to break records with its new refugee targets” by Shauna Labman and Geoffrey Cameron (2022) <https://theconversation.com/how-canada-plans-to-break-records-with-its-new-refugee-targets-193880>.

⁵ UNHCR “More than 100 million people are forcibly displaced” (2022)

<https://www.unhcr.org/refugee-statistics/insights/explainers/100-million-forcibly-displaced.html>.



While it is positive that the Albanese Government will invest \$8.6 million in the Community Refugee Integration and Settlement Pilot (CRISP), this will only support 1,500 places over the next four years, which is well below the 5,000 places specified in the ALP platform. Community sponsorship programs should be additional to the main intake program, as is ALP policy.

Recommendation: Immediately increase Australia's humanitarian intake to at least 27,000, and an additional 5,000 places through community sponsor programs.

Emergency response intake program

In March 2022 the Morrison Government committed to an additional 4,125 visas for people from Afghanistan every year for 4 years. This was a welcome announcement, however, it was, and remains, below the immediate 20,000 additional places called for by the community.⁶ Nor does this intake respond to the scale of the humanitarian crisis.

⁶Action for Afghanistan "Open Letter" (2022) <https://www.actionforafghanistan.com.au/open-letter>

In 2020-21, less than 10% of offshore humanitarian visa applications were by people from Afghanistan, in 2021-22 it increased to nearly 90%.⁷ Between August 2021 and December 2022, over 177,000 people from Afghanistan applied for offshore humanitarian visas.⁸

Despite the demand for Australia to meet its international and moral obligations to the people of Afghanistan, only 5,326 people from Afghanistan were granted offshore humanitarian visas in 2021-22. Furthermore, as Australia did not reach its intake ceiling that year, these places were included within the regular intake and were not additional places in response to the crisis.

Australia also fell short when compared to other countries' responses after the fall of Kabul, with Canada initially announcing an additional 20,000 humanitarian visas for people from Afghanistan, which was later increased to 40,000,⁹ and the US offered 95,000 humanitarian visas for people from Afghanistan.¹⁰

However, there was a stark difference in Australia's response to the war in Ukraine. Within a month of Russia's invasion of Ukraine, the Morrison Government issued Temporary Humanitarian Concern (subclass 786) to people fleeing the war, allowing people to work, study, access mainstream social support and Medicare, amongst other supports. While this offer ended on 31 July 2022, it was an example of an effective, humane and fair response to people fleeing persecution and war. In addition, the Morrison Government issued many tourist visas to people from Ukraine enabling them to travel to Australia to then seek asylum.

As we see crises emerging in Sudan, Myanmar and more, Australia cannot continue its ad hoc and arbitrary approach to international emergencies. There must be consistent, fair and humane responses to humanitarian emergencies as they occur, which include providing additional humanitarian intake.

Recommendation: Provide additional intake when humanitarian emergencies emerge in a consistent, fair and humane manner.

Delinking onshore and offshore

There is an artificial linking of onshore and offshore humanitarian intake that undermines Australia's ability to respond to international crises as they emerge and provide a fair system for people seeking asylum in the community.

⁷ Department of Home Affairs "Australia's Offshore Humanitarian Program: 2021-22" (2022) <https://www.homeaffairs.gov.au/research-and-stats/files/australia-offshore-humanitarian-program-2021-22.pdf>.

⁸ Department of Home Affairs "Afghanistan update" (2023) <https://www.homeaffairs.gov.au/help-and-support/afghanistan-update>.

⁹ Government of Canada "Supporting Afghan nationals: About the special programs" (2023) <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/afghanistan/special-measures.html>.

¹⁰ US State Department "Afghanistan Relocation and Resettlement Update"(2021) <https://www.state.gov/afghanistan-relocation-and-resettlement-update/>.

Last year the humanitarian planning level had a ceiling of 13,750 with 12,000 places planned for the offshore component of the program. This effectively leaves only 1,750 places for onshore protection visa applications.¹¹

With over 70,000 people currently seeking asylum in Australia, 1,750 places for onshore protection visas is an arbitrary and inadequate response, which exacerbates processing delays and creates devastating impacts on people seeking asylum who are living in constant uncertainty for their future. The Albanese Government cannot meaningfully address the lengthy delays in visa processing faced by people seeking asylum while maintaining this policy.

Recommendation: Delink the target for offshore humanitarian intake from the onshore humanitarian intake and ensure there is no target/ceiling for the onshore humanitarian intake.

Fair and efficient humanitarian visa processing

The humanitarian program does not start when a person is provided permanent protection. The humanitarian program must include a fair and efficient and humane process that treats people seeking asylum with dignity and humanity. Unfortunately, the current system subjects people to protracted and harmful delays and denies basic rights.

Inefficient processing system

Over the past decade, there has been a deterioration in Australia's humanitarian visa application processing system. Lack of adequate funding, unmeritorious appointments to the AAT and other policy choices have led to the current crisis in Australia's humanitarian visa application processing system.

People seeking asylum are currently waiting years for a final protection visa outcome under an opaque and punitive system that prevents people from engaging in society.

People seeking asylum often wait over half a decade for their application for protection to be reviewed and processed. For example, in 2018-2019 the average time for the Department of Home Affairs to process a Permanent Protection Visa was 334 days; however, by 2022-2023 the delay had more than quadrupled to 1,076 days.¹²

ASRC's lawyers will often see clients wait up to 3 years for a protection visa applicant to be invited to a Department interview. Even when a person is found to be owed protection, it can take another year for the visa to be granted.

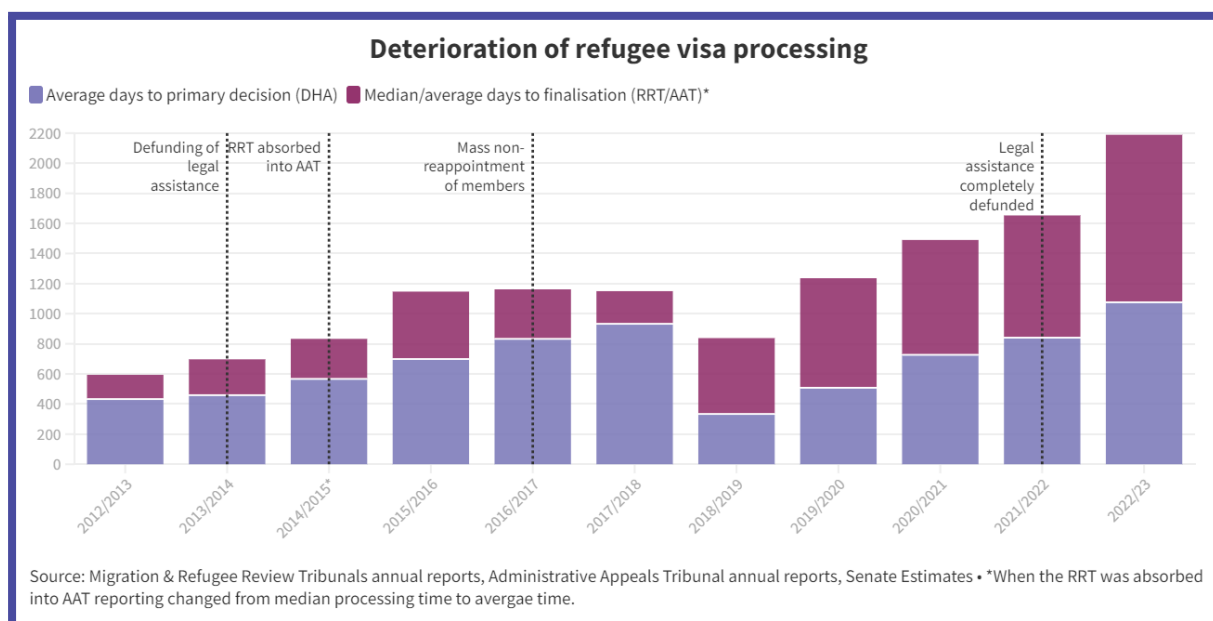
There has been a similar blowout in wait times at the review level. The average wait time at the Administrative Appeals Tribunal (AAT) increased from an average application processing time in

¹¹Department of Home Affairs "Australia's Offshore Humanitarian Program: 2021-22" (2022).

¹²Department of Home Affairs "OBE22-180 - Visa Processing - Permanent Protection Visa" (2022).

the refugee division of 217 days in 2017-18 to 1,115 days in 2022-23.¹³ These protracted wait times correlate with previous Federal Government decisions to withdraw funding for legal assistance, as well as making unmeritorious and political appointments.¹⁴

If a person’s permanent protection visa application is refused by the Department and AAT, then they must contend with extraordinary delays seeking review before the courts.¹⁵ These delays mean that a person seeking asylum could wait over a decade for a final visa outcome.



The Albanese Government has made the positive step by committing to abolish the AAT and establish a new federal administrative review system, which will address concerns regarding protracted delays and impartiality, including a transparent and merit-based system of appointments.¹⁶ However, further changes must be made to ensure people have access to a fair and efficient process, including at the Department stage.

While there have been positive announcements concerning the resourcing of visa processing at the Department of Home Affairs, for example, the recent announcement that there will be an additional \$48.1 million over 12 months to support 500 visa processing officers, it is not clear whether this is extended to the humanitarian visa process, including onshore protection visa

¹³ The Administrative Appeals Tribunal (AAT) “AAT Caseload Report” (2017-23).; Administrative Appeals Tribunal, Migration and Refugee Division processing times, 2023, <https://www.aat.gov.au/resources/migration-and-refugee-division-processing-times>.

¹⁴ The Australia Institute “Cronyism in appointments to the AAT” by Deb Wilkinson and Elizabeth Morison (2022).

¹⁵ Migration cases at the Federal Circuit and Family Court of Australia have increased nearly threefold over the last decade from 1,981 in 2012-13 to 5,236 in 2020-21. Generally applicants seeking judicial review at court of their Protection visa decision wait at least two to three years for their matter to be finalised.

¹⁶ Australian Government - Attorney-General’s Department, A new system of federal administrative review, <https://www.ag.gov.au/legal-system/new-system-federal-administrative-review>. Further details about ASRC’s recommendations for a the new federal review body can be found in the organisation’s response to the *Administrative Review Reform Issues Paper* <https://asrc.org.au/wp-content/uploads/2023/05/Administrative-Review-Reform-Issues-Paper-submission-public-version.pdf>.

applications.¹⁷ Additional resources will assist with reducing protection visa processing times, but the Government must take further steps to avoid this situation again and ensure additional funding for visa processing is responsibly managed to reduce delays.

Clear guidelines to ensure timely refugee status determination processing and accountability towards these standards are required for meaningful and lasting change. The ALP's platform commits to reintroduce the '90 day rule' into the Migration Act 1958 (Cth) to ensure that all refugee status determinations are concluded within 90 days from the date of application, and acknowledges that reporting on the implementation of the '90 day rule' is an "important accountability measure in ensuring the Government operates in a timely way in assessing protection applications".¹⁸ This legislative standard will reduce the risk of Australia repeating its past mistakes, and ensure that people seeking asylum have certainty regarding the timeframes for protection visa processing.

In stark contrast, Australia's current several-year wait times can be compared to Switzerland which in 2019 introduced a new 'asylum procedure' that ensures applications for humanitarian visas are processed within 180 days.¹⁹

There are also other instances of the humanitarian program being excluded from the discussion of Australia's migration system. This was seen in the recent "Review of the Migration System" report that overlooked the urgent changes needed to ensure a fair and effective humanitarian visa system for people seeking asylum and refugees.²⁰ People seeking asylum and refugees are part of our proud multicultural community and should not be separated from the much-needed reforms in the immigration system as a whole.

Recommendation: Reintroduce 'the 90-day rule' requiring that refugee status determinations are concluded within 90 days from the time of application.

Recommendation: Ensure the entire humanitarian visa process is adequately funded and staffed by people with the requisite skills and experience.

Access to government-funded legal representation

The lack of free legal assistance to all people seeking asylum has had a devastating impact on their ability to engage with the complex visa application process and exercise their rights.

Having expert, assessable and trustworthy advice available to people seeking asylum will improve outcomes, reduce needless delays and improve processing at the Department and review stages.

¹⁷ Department of Home Affairs "A safer and more secure future for Australia" Minister for Immigration, Citizenship and Multicultural Affairs Andrew Giles and Minister for Home Affairs Clare O'Neil (2023) <https://minister.homeaffairs.gov.au/AndrewGiles/Pages/safer-secure-future-australia.aspx>.

¹⁸ Australian Labor Party, ALP National Platform - As Adopted at the 2021 Special Platform Conference, 2021, p 124.

¹⁹ The Swiss Refugee Council, "The asylum procedure" (2023)

<https://www.refugeecouncil.ch/topics/asylum-in-switzerland/the-asylum-procedure>.

²⁰ ASRC "Migration review fails to address the harmful system people seeking asylum are subject to" (2023) <https://asrc.org.au/2023/04/27/migration-review/>.

A person seeking asylum represented by a lawyer is seven times more likely to receive a favourable protection claim at the AAT, with only 4% of unrepresented people seeking asylum being successful.²¹

Further, the reduction of legal funding through the Immigration Advice and Application Assistance Scheme (IAAAS) in 2014 and its eventual end in 2022 correlates with the rapidly increasing delays people face for their applications to be processed.²²

Recommendation: Provide people seeking asylum access to government-funded legal assistance throughout the refugee status determination process, including the review stages.

Work, study and rebuild

A fair, humane and efficient humanitarian program can only occur when people seeking asylum are provided adequate social support and access to their rights while awaiting their visa application outcome. If people seeking asylum do not have access to basic necessities such as work, food, housing and healthcare, they are prevented from living in safety and with dignity, and effectively engaging with the protection visa application process.

As previously discussed, people seeking asylum wait years for their applications to be processed due to a deterioration of the humanitarian system under previous governments. During this time they are excluded from mainstream social support. Only 2% of people seeking asylum have access to any form of social support through Status Resolution Support Services (SRSS).²³ However, even this is insufficient given that it is only 89% of the rate of mainstream support.

Over the past seven years, the Federal Government has also cut its budget of support for people seeking asylum in the Federal Budget by 90% from \$300 million a year in 2016²⁴ to \$15 million in 2022-23.²⁵ Cuts to eligibility and funding for SRSS resulted in a sharp decline to only around 1,500 recipients this year, a reduction of around 25,000 in 2015.²⁶

This decline in people's eligibility for SRSS is due to numerous reasons. These include the mutual exclusivity of the right to work and SRSS, meaning that even receiving a few dollars of income from a ride-share app or food delivery will suspend payments. Similarly, people who are studying full-time are also ineligible for SRSS. Other eligibility criteria result in people being excluded such as for making bank transfers amounting to \$1,000 and providing money to family overseas. Requesting people seeking asylum to provide information such as the assets of their family, is a

²¹ The Conversation "How refugees succeed in visa reviews: new research reveals the factors that matter" Daniel Ghezelbash.

<https://theconversation.com/how-refugees-succeed-in-visa-reviews-new-research-reveals-the-factors-that-matter-131763>

²² The Law Council of Australia "Law Council concerned by removal of IAAAS Funding" (2014)

<https://www.vicbar.com.au/news-events/law-council-concerned-removal-iaaas-funding>.

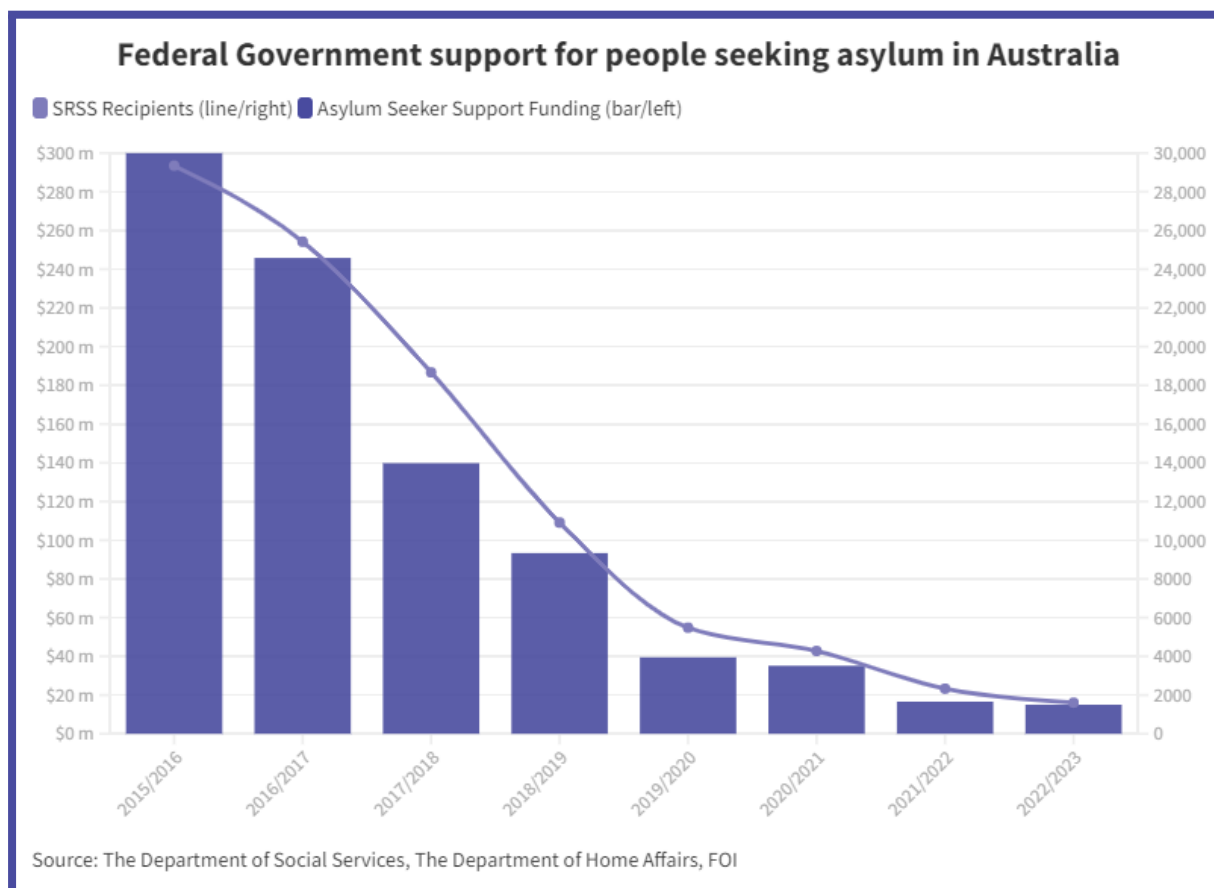
²³ ASRC, "Poverty through Policy: The impact of excluding people seeking asylum from mainstream social support" (2023).

²⁴ Federal Budget 2016/2017 "Social Services Portfolio: Budget Related Paper No. 1.15B" (2016).

²⁵ Federal Budget 2023/2024 "Social Services Portfolio: Budget Related Paper No. 1.12" (2022).

²⁶ Department of Home Affairs "FOI: fa-221200835a" (2023).

gross overreach and unreasonable, as these assets are often disputed or threatened and/or it may not be safe to contact their family due to their protection claims. Furthermore, applying for SRSS is a convoluted and time-consuming process, particularly for people with English as a second language.



The process for accessing SRSS must be streamlined and designed for people seeking asylum to use. This would involve presenting clear guidelines about eligibility and how to apply, removing onerous requirements (which can endanger the people applying) and providing updates about the application as it progresses. The lack of any review process or transparency about decision-making when someone is refused access to SRSS, is also deeply concerning and must be rectified.

While people seeking asylum should have access to the same safety net everyone relies on when times get tough, an immediate expansion of eligibility and funding for SRSS is needed. Social support must also be provided in tandem with the right to work, study and access healthcare.

While some people seeking asylum have work rights, study rights and Medicare, this is inconsistent and not guaranteed. In 2022-23, out of every 10 people who sought assistance from the ASRC, 7 did not have the right to study and 6 did not have the right to work, while 9 out of every 10 people who accessed ASRC’s GP clinic did not have access to Medicare.

If people seeking asylum were provided with access to work rights through their protection visa application process, they could seek secure employment to financially support themselves and rebuild their lives. The precarity and insecurity that bridging visas create, and the lack of ongoing work rights disincentivises reporting workplace abuses and prevents enforcement of workplace rights.²⁷

Seeking asylum should be a point in someone's life, not what defines them. However, the policies implemented by successive governments have denied people seeking asylum access to work and study, preventing them from the stability and rights needed to rebuild their lives. This policy also has broad impact on people seeking asylum and the community, and long-term consequences for refugees after they are granted protection visas.

In addition, ASRC encourages the Albanese Government to increase its investment in settlement assistance to offshore humanitarian program entrants. Holistic support that empowers people to upskill and enter the workforce and adapt to living in the Australian community, including medical and psychosocial support to enable people to recover from past trauma, is essential. The lack of adequate support can lead to visa cancellation, refoulement, indefinite detention and permanent family separation.

Recommendation: Provide ongoing study rights and work rights for people seeking asylum on bridging visas for the duration of their protection visa application process, including merits review and judicial review stages.

Recommendation: Immediately expand eligibility to Status Resolution Support Services.

Recommendation: Provide people seeking asylum access to mainstream social support services, including Centrelink programs such as Special Benefit, for the duration of their protection visa application process, including merits review and judicial review stages.

Abolish the Fast Track process

In December 2014, the Australian Government introduced an unfair process to assess the protection claims of people seeking asylum who arrived by sea - this process is referred to as 'Fast Track' and applies to people who arrived by sea after August 2012. Under the Fast Track process, if a person seeking asylum had their protection visa application refused by the Department, they can only seek limited merits review before the Immigration Assessment Authority (IAA). The IAA is a review body within the Administrative Appeals Tribunal (AAT), which is responsible for independent merits review of administrative decisions made by the Australian Government.

However, the IAA is not required to observe minimum standards of procedural fairness and is an unjust process. Consequently, the IAA's decision-making has been riddled with errors. Since

²⁷ Melbourne Social Equity Institute and Human Rights Law Centre "Labour in Limbo: Bridging Visa E holders and Modern" by Freya Dinshaw and Susan Kneebone (2022)

2020, over 30% of IAA decisions reviewed by the courts were found to be unlawful,²⁸ noting that many people would not have been able to access judicial review or legal representation, meaning the number of unlawful decisions is likely to be considerably higher.

Currently, over 5,500 people seeking asylum only have the option to apply for a protection visa under the unfair Fast Track system (see the section on permanent protection for more information).

The ALP platform acknowledges the deficiencies of the IAA and has committed to ending the Fast Track review process.²⁹ However, the Albanese Government is yet to abolish the Fast Track process with the 2023/2024 Federal Budget allocating \$4 million in funding to IAA for the next year. The Fast Track process unfairly discriminates against certain people seeking asylum based on their mode of arrival to Australia; however, all people seeking asylum should have access to a fair and efficient refugee status determination process regardless of how they came to Australia.

Recommendation: Abolish the Fast Track process, including the Immigration Assessment Authority.

Permanent protection

Just as the way people seeking asylum are treated in Australia when they apply for asylum cannot be separated from the humanitarian program, nor can the ongoing injustices endured by people who sought asylum by sea.

People subjected to Fast Track

The Albanese Government earlier this year listened to the community and refugees in providing a pathway to permanency for people subjected to the cruel and unfair 'Fast Track' system on Temporary Protection visas (TPVs) and Safe Haven Enterprise visas (SHEVs). This pathway is via an application for a Resolution of Status Visa (subclass 851) (RoS Visa).

While this announcement was a victory for many, it did not provide fair and clear pathways to permanency for the approximately 10,000 people seeking asylum who arrived by sea and are not TPV or SHEV holders, who have been living in Australia for 10 years.

Over 5,500 people are still being dragged through the unfair Fast Track process; they will only be eligible for a RoS Visa if they are found to be owed protection obligations by the IAA, often after waiting years for court decisions that may be reached without legal representation.

The Albanese Government has stated that a previously unsuccessful Fast Track applicant who has new protection claims could request the Minister to intervene in their case and allow them

²⁸ Administrative Appeals Tribunal Annual Report 2021-22, 2022, Chapter 4 - Immigration Assessment Authority, <https://www.transparency.gov.au/annual-reports/administrative-appeals-tribunal/reporting-year/2021-22-44> (appeals remitted in relation to total appeals finalised).

²⁹ Australian Labor Party, ALP National Platform - As Adopted at the 2021 Special Platform Conference, 2021, p 124.

to apply for another TPV or SHEV.³⁰ This is an inadequate response. The avenues for Ministerial intervention are limited, rarely successful and at best enable someone to submit a further protection visa application rather than being granted a visa. This is not a clear and swift pathway to permanent residency.

People subjected to the unfair Fast Track process have been living in Australia for over a decade – they have been working, paying taxes, attending school and rebuilding their lives. After seeking asylum for over 10 years, living with uncertainty and being separated from their families, the moral and humane response is to provide permanent residency for all people seeking asylum impacted by the unfair and cruel Fast Track system.

TPV and SHEV have also not yet been abolished. These visas are a stain on the country, a part of a cruel system that harmed thousands of people in the community. These visas must be abolished to ensure they cannot be used in the future.

Recommendation: Provide permanent residency to all people seeking asylum subjected to the unfair Fast Track process.

Recommendation: Abolish temporary protection visas.

Offshore

In July 2023, it will be 10 years since Prime Minister Kevin Rudd announced that people seeking asylum by sea would be prevented from resettling in Australia. As we approach this shameful anniversary, the Albanese Government has the opportunity to offer some justice to the thousands of people affected, by providing permanency for all and ending offshore processing.

Currently, there are around 100 people still held offshore in PNG and Nauru unable to rebuild their lives, reunite with family or have any certainty about their future. After a decade held offshore, there is an urgent need for evacuation.³¹

There are also around 1,000 people currently in Australia who were previously held offshore, many of them children. Agreements with New Zealand and the US along with other resettlement options with Canada and European countries will offer a pathway to many people, but not all. After a decade of cruelty, all refugees and people seeking asylum must be provided with a clear resettlement pathway. The Federal Government must no longer abdicate its responsibility in providing a humane solution.

³⁰ Minister for Immigration, Citizenship and Multicultural Affairs, Explanatory Statement - Migration Amendment (Transitioning TPV/SHEV Holders to Resolution of Status Visas) Regulations 2023, 13 February 2023, <https://www.legislation.gov.au/Details/F2023L00099/Download>, p. 14.

³¹ ASRC "ASRC Submissions to the Migration Amendment (Evacuation to Safety) Bill 2023" (2023) <https://asrc.org.au/wp-content/uploads/2023/03/20230223-Evacuation-to-Safety-Bill-ASRC-Submissions-Public-version-1.pdf>.

Recommendation: Offer all people currently held offshore in PNG and Nauru evacuation to Australia.

Recommendation: Provide clear, fair and humane resettlement pathways for all people subjected to offshore detention.