

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 and people seeking asylum to ensure their basic rights are met and they can live in safety and with dignity.

Introduction

ASRC appreciates the opportunity to contribute to the consultation on the Australian Labor Party (ALP) 2023 Draft National Platform.

ASRC welcomes many aspects of the Draft National Platform in particular paragraph 9 in *State in Detail: A nation built on migration*, which states:

“Labor will deal with the complex issue of those seeking Australia’s protection by giving expression to the values of compassion, justice, human rights, fairness and generosity. These are values which are at the heart of the Australian identity.”

This policy and others that centre the human rights of people seeking asylum and foster a community that welcomes refugees are positive.

However, there are examples throughout the Draft National Platform of policies that not only fail to adhere to these principles but discriminate and deny people seeking asylum their human rights.

Furthermore, while the Albanese Government has made positive reforms, there are instances throughout the Draft National Platform where the stated policy does not match what is currently being implemented. In these cases, we recommend stronger commitments.

This submission will address areas in need of change and note the positive policy positions in the Draft National Platform.

The following sections of the Draft National Platform will be addressed:

- Statements in detail
 - A nation built on migration
 - Australia’s humanitarian intake, settlement services and refugee assessment
 - Australia’s border and immigration detention
- An economy that works for everyone
 - Building a stronger nation through migration
- Australia’s place in a changing world

- Strong borders and a strong humanitarian immigration program

In places where recommended changes to wording in the Draft National Platform are made, this will be indicated by new wording being in bold (**example**) and previous wording will have a strikethrough (~~example~~).

Positive areas

ASRC welcomes the ALP's commitments in the following areas and looks forward to the implementation of the policies below.

A Strong and Healthy Society: A fair social security system

ASRC notes the following positive positions within *A Strong and Healthy Society: A fair social security system*.

71. Labor believes in a strong, adequate and fair social safety net and that there should not be poverty in a country like Australia. Labor is committed to a social security system that keeps people out of poverty, whether they are unemployed, working age, escaping family or domestic violence or in retirement.

74. Labor will enable people's participation in the economy and community by helping them gain the capacities needed through employment, volunteering, community service and education. Our policies will aim to break the cycle of entrenched and multiple disadvantage in particular areas, reflecting the reality that poverty is often concentrated in certain suburbs and towns – and that it can be overcome through policy choices.

An economy that works for everyone: Building a stronger nation through migration

ASRC notes the following positive positions within *An economy that works for everyone: Building a stronger nation through migration*.

78. Labor will ensure Australia's migration favours permanent over temporary migration, to create a nation of people with equal rights and a shared interest in our national success.

85. Labor will ensure that no migrant is 'permanently temporary'. We will align the permanent and temporary migration programs and ensure that, where appropriate, migrants have pathways to permanent visas and citizenship. We will encourage temporary visa holders to consider permanent residency where the visa holders are working under successful arrangements and have priority skills which are in shortage in Australia.

Australia's place in a changing world: Strong borders and a strong humanitarian immigration program

ASRC notes the following positive positions within *Australia's place in a changing world: Strong borders and a strong humanitarian immigration program*.

56. Under the Refugee Convention, people seeking asylum have the right to seek protection and asylum. Labor will continue to show global leadership and increase Australia's humanitarian refugee intake and we will treat people seeking our protection with dignity and compassion in accordance with our international obligations, the rule of law and the principles of fairness. Labor believes as a nation we must not harm people seeking refuge.

Statement in Detail: A nation built on migration

ASRC notes the following positive positions within *Statement in Detail: A nation built on migration*.

4. To support Australia's multicultural society, Labor's migration policies will:

- a. Remain non-discriminatory;
- b. Respect the heritage and traditional customs of migrants and their children;
- c. Recognise the importance of all aspects of the migration program, including skilled, family and humanitarian streams;

6. Labor affirms that every worker, no matter where they have come from or what language they speak, must be treated with fairness, dignity and respect inside and outside the workplace. Labor notes that migrant workers are at particular risk of wage theft, harassment, bullying, discrimination and unsafe practices and being trapped in the black economy by rogue and unscrupulous employers.

7. Labor condemns operators whose business model is built on the disgraceful exploitation of workers who are forced to work in the black economy. The black economy refers here to the shameful practice of running a business outside the tax and regulatory system, to gain an advantage and to try and get away with mistreating workers, often migrant and marginalised workers. These workers are ripped off and don't receive lawful wages, benefits and are prevented from seeking legal protections. Work exploitation bill is being actioned.

9. Labor will deal with the complex issue of those seeking Australia's protection by giving expression to the values of compassion, justice, human rights, fairness and generosity. These are values which are at the heart of the Australian identity.

10. Labor believes Australia should show global leadership in refugee resettlement, and supports a generous, non-discriminatory Australian humanitarian program. Labor will treat people seeking our protection with dignity and compassion and in accordance with our international obligations, the rule of law and core Australian principles of fairness

and humanity. Labor will legislate to enshrine our international obligations into Australian domestic law.

11. Under the Refugee Convention, people seeking asylum have the right to seek protection and asylum and, regardless of the mode of arrival, this is not illegal under Australian or international law. Accordingly, Labor rejects the practice of referring to people seeking asylum as 'illegals'.

12. Australia must not harm people seeking refuge.

14. The issue of those seeking protection is both a global and regional one. Accordingly, in order to achieve a long-term resolution to the issue, it must be dealt with through international cooperation and not unilateral action. Within our region, Australia must play a leadership role. Recognising the value of a bipartisan approach in this policy area in the past, Labor will work towards a bipartisan approach once again.

15. A fundamental principle in treating those seeking protection with humanity is to provide as much certainty as possible. An aspiration of certainty in all matters around people seeking asylum, including the duration of assessing refugees' claims, must underpin Australian policy.

16. Labor will work to ensure those in detention facilities are treated with dignity and respect and have access to an appropriate standard of care and substantive access to health and education services while held in immigration detention centres.

17. The world is experiencing the greatest humanitarian need in history with the largest number of displaced persons since that time. Labor believes that Australia should lead debate on the establishment of a best practice framework, including new regional agreements and understandings required to ensure the Refugee Convention and the international protection system function effectively in this environment. Australia understands that such a framework must include working to ensure better support for those countries that host the great majority of the world's refugees and people seeking asylum, to directly address the needs and rights of displaced persons in these places. This includes encouraging countries in our region to provide protection to those in need and ensuring Australia responds by accepting our responsible share of the world's resettlement of refugees.

Statement in Detail: Australia's humanitarian intake, settlement services and refugee assessment

ASRC notes the following positive positions within *Statement in Detail: Australia's humanitarian intake, settlement services and refugee assessment*:

1. Those found to be owed Australia's protection under the Refugee Convention, Complimentary Protection or and other international instruments will be given permanent protection under the Migration Act 1958.
4. Labor will support a humanitarian migration program that reasonably responds to international humanitarian crises as they arise.
10. Labor believes protection claims made in Australia should be assessed and reviewed on the individual merits with procedural fairness ensuring our international human rights obligations are met. Accordingly:
 - a. The assessment and review of protection claims will be underpinned by robust, efficient and transparent processes that ensure fair and consistent outcomes, including access to review and independent advice;
 - b. The assessment and review of protection claims of specific lesbian, gay, bisexual, transgender, intersex and queer people seeking asylum will be underpinned by appropriate and relevant assessment tools and processes that reflect cultural experience of the lesbian, gay, bisexual, transgender, intersex and queer community;
 - c. The assessment and review of protection claims must be independent and free from any political or diplomatic interference;
 - d. The processing of protection claims must be streamlined to enhance the quality of decision making, to provide more efficient pathways for prompt resolution of visa status and to alleviate the courts' immigration case-load burden; and
 - f. Noting the abolishment of the AAT Labor will create a fair, simple, affordable and accessible processes and procedures, including in relation to adverse credibility findings, for the review of refugee related decisions.
13. Labor will reintroduce the appropriate references to the Refugee Convention into the Migration Act 1958.
16. Labor will work to ensure people seeking asylum have access to appropriate, independent, government- funded legal advice while working through their claims for protection.
21. Labor will seek to improve the availability and integration of Commonwealth-funded migrant and settlement services. Labor will ensure settlement service policies are:
 - a. Informed by advice from the Settlement Services Advisory Council, the Settlement Council of Australia and other key stakeholders and the community; and

b. Coordinated in partnership with State and Territory governments, local governments, community organisations and service delivery providers.

Statement in Detail: Australia's border and immigration detention

ASRC notes the following positive positions within *Statement in Detail: Australia's border and immigration detention*:

13. Recognising the inequities of the policy of charging immigration detainees a daily maintenance rate while in immigration detention, Labor will oppose any attempts to reinstate this practice.

Areas in need of improvement

Statement in Detail: Australia's border and immigration detention

Right to work, study and access mainstream social support

Over the past decade, the Federal Government has chosen to deny people seeking asylum in Australia the right to work, study and access mainstream social support while their visa application is being processed.

The Draft National Platform has a largely positive policy on this issue, however, crucial changes are needed. The relevant policy concerning the right of people seeking asylum to work, study and access social support is in paragraph 14 in *Statements in Detail: Australia's border and immigration detention*, which states:

"As soon as the reasons for mandatory detention have ceased every effort must be made to remove people seeking asylum from immigration detention centres through community detention or the granting of bridging visas with work rights. People seeking asylum will have means-tested 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."

This is a positive stance, however, it is not reflective of current policy under the Albanese Government. The language used is not strong enough to ensure people's rights are respected and protected.

While some people on bridging visas have work rights, this is not guaranteed and the right to work is not ongoing. Study rights have also been left out of the Draft National Platform, which are crucial to people seeking asylum and refugees rebuilding their lives and contributing to our society. In addition, it is unclear what is meant by 'appropriate social services' and we recommend that there is greater clarity to ensure that people seeking asylum can access their basic rights.

Every day ASRC sees the impact of human rights being denied. In 2021- 22, 82% of people access ASRC's services had no income, 57% were without work rights and 66% were without study rights, while 80-90% of people accessing the ASRC's GP clinic did not have access to Medicare.¹ With 98% of people seeking asylum having no access to any social support and none having access to mainstream social support, the ALP must be firmer in its commitments.

Despite this, the Albanese Government has maintained the Morrison Government's cut in funding for 'asylum seeker support' at \$37 million, down from \$300 million in 2015-16. The Albanese Government also only spent \$15 million on 'asylum seeker support' in 2021-22, which was half of what was slated.²

The current system is not only failing to ensure people seeking asylum are able to engage fairly in their visa application process, but also fails to provide people with access to their most basic rights. The National Platform must have strong policies that acknowledge the need for change.

It should also be noted that the insufficiently strong language in paragraph 14 conflicts with commitments elsewhere in the Draft National Platform.

For example, in paragraphs 71 through 81 in *A Strong and Healthy Society: A fair social security system* the Draft National Platform provides strong support for access to social support, and states: "there should not be poverty in a country like Australia." This should be extended to people seeking asylum, who often are forced into poverty due to the policy choices of Federal Governments.

Also paragraph 83 in *An economy that works for everyone: Building a stronger nation through migration* as well as paragraphs 6,7, 9 and 29 in *Statement in Detail: A nation built on migration*, which are concerning the rights of migrant workers and people seeking asylum, include positive policies, however, do not acknowledge that the denial and temporary provision of work rights and limited access to social support are significant reasons why people seeking asylum face exploitation.

In addition, paragraph 6 in *Building full employment and higher workforce participation*, it states that:

"Labor is committed to achieving full employment. Labor believes that any person who wants to work should have the opportunity to work".

However, the denial of work rights to people seeking asylum is contrary to this policy.

Further, in paragraph 12 in *Statement in Detail: A nation built on migration* the Draft National Platform states: "Australia must not harm people seeking refuge." This is a welcome policy,

¹ ASRC "Policy Through Poverty: The impact of excluding people seeking asylum from mainstream social support" (2023).

https://asrc.org.au/wp-content/uploads/2023/04/ASRC_Policy_Through_Poverty_Finalv1.pdf

² ASRC "The Asylum Seeker Resource Centre's response to the 2023-24 Federal Budget: Small changes, but a cruel system remains" (2023). <https://asrc.org.au/2023/05/10/budget-2023-24/>

however, it conflicts with the ALP's current stance concerning work rights, study rights and rights to access mainstream social support for people seeking asylum, in addition to a range of other issues such as the lack of urgent and humane evacuation mechanisms from PNG and indefinite detention, which will be addressed later.

Similar conflicts within the Draft National Platform on this issue can also be found in paragraph 15 in *Statement in Detail: A nation built on migration*, which states:

"A fundamental principle in treating those seeking protection with humanity is to provide as much certainty as possible. An aspiration of certainty in all matters around people seeking asylum, including the duration of assessing refugees' claims, must underpin Australian policy."

There can be no certainty when people are denied their human rights while held on harmful bridging visas for years due to government delays.

Finally, paragraph 25 subsection A, states when referring to regional arrangements Australia would pursue with other countries the ALP would seek to ensure:

"The developing of capacity to improve accommodation, work rights, access to health and education services and other living standards for people seeking asylum."

Australia must lead by example, the ALP cannot expect our neighbours to adhere to stands that we don't live up to ourselves.

These policy areas do not need to change and are positive. However, these positions can only be implemented by ensuring the National Platform is consistent.

As such, ASRC recommends the following changes to paragraph 14 in *Statements in Detail: Australia's border and immigration detention*:

~~"As soon as the reasons for mandatory detention have ceased every effort must be made to remove~~ People seeking asylum ~~from immigration detention centres through community detention or the granting of bridging visas with,~~ **who are living in the community, must have ongoing work and study rights.** People seeking asylum will have means-tested access to funded migration assistance, and to **mainstream** 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 also recommends that this policy should not fall under the *Statements in Detail: Australia's border and immigration detention* section of the National Platform, but should be in the section on *Australia's humanitarian intake, settlement services and refugee assessment*.

Referring to the basic rights of people seeking asylum in Australia in a section on border and immigration detention does not indicate that the ALP wants to have a welcoming and compassionate humanitarian program that strengthens the community and people's rights. This is not an issue of borders and detention, but one of human rights.

Evacuation of refugees held offshore

After 10 years, people held offshore in PNG and Nauru are in urgent need of medical care and specialist mental health care, in Australia.³

Concerning this issue, the Draft National Platform makes the following recommendation in paragraph 11 subsection D:

“Improve the medical transfer process, establish an Independent Health Advice Panel to provide medical advice and maintain ministerial discretion in all decision making.”

This recommendation is insufficient to meet the needs and rights of people sent offshore under an ALP Government 10 years ago.

While the ALP has evacuated nearly all those remaining in Nauru, which is a victory for the community and refugees, there are still 80 people who remain in PNG.⁴ Furthermore, while the evacuations from Nauru are positive, they have not been trauma-informed, timely, orderly or efficient. Some people waited years for transfer, were held in closed detention upon arrival and did not receive urgent medical care. The ALP has not established an effective and humane evacuation pathway for all people held offshore.

In 2019 the ALP supported ‘Medevac’ amendments to *the Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018*, which saw the transfer of refugees and people seeking asylum held offshore to receive critical medical care in Australia. While this law was later repealed, the ALP was firm in its support.⁵ The National Platform must reflect this humane and rational policy.

As such ASRC recommends the following policy for the National Platform to replace paragraph 11 subsection D:

“Offer people seeking asylum and refugees sent to offshore regional processing centres immediate evacuation to Australia while they await permanent resettlement.”

Ending arbitrary and indefinite detention

Another area of concern in the section *Statement in Detail: Australia's border and immigration detention* is found in paragraph 6, which states the following:

³ ASRC “Evacuation to Safety Bill - ASRC Submission” (2023).

<https://asrc.org.au/wp-content/uploads/2023/03/20230223-Evacuation-to-Safety-Bill-ASRC-Submissions-Public-version-1.pdf>

⁴ The Guardian, “Australia to transport last asylum seekers off Nauru within weeks, refugees say” Eden Gillespie (2023).

<https://www.theguardian.com/australia-news/2023/jun/14/australia-to-transport-last-asylum-seekers-off-nauru-within-weeks-refugees-say>

⁵ The Guardian, “Labor’s new leadership team stays firm in support of medevac law” Sarah Martin (2019).

<https://www.theguardian.com/australia-news/2019/jun/05/labors-new-leadership-team-stays-firm-in-support-of-medevac-law>

“Unauthorised arrivals will be detained, for management of health, identity and security risks to the community. Labor will strive to ensure this is for no longer than 90 days.”

This policy is inadequate and also in contradiction with other areas of the Draft National Platform. For example, paragraph 7 subsection D in *Australia's border and immigration detention* states:

“The placement of people in immigration detention should be informed by risk. Held detention is only to be used as a last resort and for the shortest practicable time.”

If people are detained upon arrival as a first response, this cannot also be considered as a ‘last resort’.

Furthermore, paragraph 7 subsection A in *Statement in Detail: Australia's border and immigration detention* states:

“Detention that is indefinite or otherwise arbitrary is not acceptable.”

For this to be achieved, there must be a strong commitment to implement clear and strict timeframes for the length of time a person can be held in immigration detention.

Currently, the average time that someone spends in immigration detention is over 735 days, which is in stark contrast to between 14-55 days in countries like the UK, US, Canada, Germany and France.⁶⁷ Acknowledging how out of step Australia is internationally and the damage currently being done to people in detention, a more robust policy is needed.

As such, ASRC recommends the following to replace paragraph 6:

“Unauthorised arrivals will **only be detained as a last resort**, for management of health, identity and security risks to the community. Labor will ~~strive to~~ **ensure this is for no longer than 90 days.**”

End the use of APODs

Another area in need of change is paragraph 7 subsection H which states:

“The use of hotel-like accommodation as an alternative place of detention should only occur when necessary and for the shortest period of time required. The appropriateness of such arrangements are to be reviewed regularly. Unless required for health or safety, the maximum length of time a person should be detained in hotel-like accommodation is 90 days”

⁶ Department of Home Affairs, “Immigration Detention and Community Statistics Summary: April 2023” (2023).

<https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-statistics-30-april-2023.pdf>

⁷ ASRC “ASRC Submission - Ending Indefinite and Arbitrary Immigration Detention” (2022).

<https://asrc.org.au/wp-content/uploads/2022/02/ASRC-Submission-Ending-Indefinite-and-Arbitrarily-Immigration-Detention-4.pdf>

The use of Alternative Places of Detention (APOD) such as hotel detention, is not acceptable under any circumstance. Numerous human rights organisations and medical experts, including the Australian Human Rights Commission, have found that APODs have a serious negative impact on the mental and physical health of people held.⁸

Even this insufficient policy is not currently being met under the Albanese Government. For example, an ASRC client was recently held in an APOD for 4 months, despite clear alternatives.

Due to this, ASRC recommends the following change:

“The use of hotel-like accommodation as an alternative place of detention should **not occur.**”

Close the Christmas Island detention centre

Finally, the Draft National Platform in paragraph 3 subsection B says the ALP will maintain:

The non-statutory processing on Christmas Island of persons who arrive unauthorised at an excised place, except where other arrangements are entered into under bilateral and regional arrangements.”

Christmas Island was closed down in 2018, however, the Morrison Government reopened the detention centre in 2019. At the time of its reopening, human rights groups were concerned that people seeking asylum and refugees may be transferred to Christmas Island. The Australian Border Force at the time said on Twitter: “No refugees are being transferred to [Christmas Island.]”

Within 9 months, ASRC knew of 103 refugees that were transferred to Christmas Island, of which 102 have a history of self-harm, mental health conditions or physical health conditions requiring specialist care.⁹ Held in Christmas Island medical care was limited compared to mainland Australia, as was contact with friends, family and legal providers.

The Australian Human Rights Commission, Australasian Society for Infectious Diseases and the Australian College of Infection Prevention and Control have all raised concerns over the use of the detention centre on Christmas Island.¹⁰

Also, the inclusion of “non-statutory processing” is concerning. All processing of people seeking asylum and refugees must be completed within the statutory framework and ensure minimum standards of procedural fairness.

⁸ The Australian Human Rights Commission “The Use of Hotels as Alternative Places of Detention” (2023). https://humanrights.gov.au/hotel_apods_2023

⁹ ASRC “UN Sub-Committee on Prevention of Torture (SPT) visit to Australia” (2022). https://asrc.org.au/wp-content/uploads/2022/08/PUBLIC-SPT-submission-ASRC_July-2022.pdf

¹⁰ The Australian Human Rights Commission “Statement on Christmas Island immigration detention” (2020).

<https://humanrights.gov.au/about/news/media-releases/statement-christmas-island-immigration-detention>

The ASRC recommends that the detention centre on Christmas Island be closed permanently, and the following change is made to the National Platform paragraph 3 subsection B:

~~“The non-statutory processing on Christmas Island of persons who arrive unauthorised at an excised place, except where other arrangements are entered into under bilateral and regional arrangements. Permanently close down North West Point Immigration Detention Centre on Christmas Island.”~~

Furthermore, paragraph 3 in *Statement in Detail: Australia’s border and immigration detention* concerns the ALP’s commitment to border security, the new changes make this policy better placed as a subsection under paragraph 7 in *Statement in Detail: Australia’s border and immigration detention*.

Statement in Detail: Australia’s humanitarian intake, settlement services and refugee assessment

Permanency for all

In acknowledgement of the misleadingly named, cruel and unfair ‘fast track process’, all people seeking asylum subjected to this process should have a pathway to permanency. Around 10,000 of the 31,000 people impacted by this process do not have a clear pathway to permanency. All people subjected to the unfair ‘fast track process’, not only Temporary Protection Visas (TPV) and Safe Haven Enterprise Visas (SHEV) holders or those at the initial stages of their application, must have permanency after living in the community for a decade. As such ASRC recommends the following policy position to be added:

“Provide permanent residency to all people seeking asylum subjected to the fast track assessment process.”

Humanitarian intake

There are numerous policies within the *Statement in Detail: Australia’s humanitarian intake, settlement services and refugee assessment* section of the Draft National Platform that should be improved.

The first change concerns the humanitarian intake levels. Australia’s humanitarian intake has stagnated at a time when the number of people displaced around the world is over 100 million.¹¹ The Albanese Government has not substantially increased humanitarian intake, only changing the Morrison Government’s ‘ceiling’ to a ‘target’. This is insufficient, particularly as countries such

¹¹ UNHCR “More than 100 million people are forcibly displaced” (2022).
<https://www.unhcr.org/refugee-statistics/insights/explainers/100-million-forcibly-displaced.html>.

as Canada are planning to resettle more than 50,000 refugees this year.¹² The current Draft National Platform states in paragraphs 7 and 8:

“Labor believes that Australia can further support global resettlement efforts by expanding access to protection for refugees and those with humanitarian need through complementary resettlement pathways. Complementary resettlement intakes will be in addition to the government’s refugee and humanitarian program. Labor will progressively increase the community sponsored refugee program to 5,000 places per year.

Labor aspires to progressively increase Australia’s government funded humanitarian intake to 27,000 places per year.”

In acknowledgement both of the current Labor Government’s inaction so far and the increased global need, ASRC recommends the following changes:

“Labor believes that Australia can further support global resettlement efforts by expanding access to protection for refugees and those with humanitarian need through complementary resettlement pathways. Complementary resettlement intakes will be in addition to the government’s refugee and humanitarian program. Labor will ~~progressively~~ increase the community sponsored refugee program to **at least** 5,000 places per year.

Labor ~~aspires to progressively~~ **will** increase Australia’s government funded humanitarian intake to **at least** 27,000 places per year.”

Reintroduce the 90 day rule

There have also been policy positions that have concerningly been removed from the Draft National Platform that were present in the 2021 National Platform. This includes paragraph 15 in *Statement in Detail: Australia’s humanitarian intake, settlement services and refugee assessment*:

“Labor will reintroduce the 90 day rule into the Migration Act.”¹³

There is no clear reason why this policy should be removed, especially as the Draft National Platform commits elsewhere to the principle of the ‘90 day rule’ in relation to immigration detention in paragraph 6 and paragraph 7 subsection H in *Statement in Detail: Australia’s border and immigration detention*.

Given the excessive delays in protection visa processing at the Department, merits review and judicial review stages, which have resulted in people seeking asylum for over a decade, it is imperative that the ALP sets timeframes for protection visa processing to ensure fair and just

¹²ASRC, “2023-24 Humanitarian Program” (2023).

<https://asrc.org.au/wp-content/uploads/2023/06/ASRC-Submission-2023-24-Humanitarian-Program-2.pdf>

¹³ ALP “Labor’s 2021 National Platform” (2021).

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

outcomes. Therefore, we recommend that the previous policy position regarding the 90 day rule is included in this section.

Abolish the 'fast track assessment process'

Similarly, the Draft National Platform has removed the 2021 National Platform's paragraph 17 in *Statement in Detail: Australia's humanitarian intake, settlement services and refugee assessment*, which states:

"Labor will abolish this fast track assessment process."¹⁴

The Albanese Government is currently transitioning people on Temporary Protection Visas and Safe Haven Enterprise Visas subjected to the 'fast track process' onto permanent visas, in an acknowledgement of the cruelty and harm this process caused. Unfortunately, the 'fast track process', despite the recent pathway to permanency for some, still remains intact.

The ALP should clearly reaffirm its opposition to this process and state support for its abolition.

Abolish the Immigration Assessment Authority

Following on from the lack of a commitment to abolish the 'fast track process', the Draft National Platform also does not explicitly state that the ALP will abolish the Immigration Assessment Authority (IAA). This is a change from the 2021 National Platform that stated in paragraph 11 in *Statement in Detail: Australia's humanitarian intake, settlement services and refugee assessment*:

"Labor will create an independent Refugee Review Tribunal and abolish the Immigration Assessment Authority. The Tribunal will allow for procedurally fair, simple, affordable and accessible processes and procedures, including in relation to adverse credibility findings, for the review of refugee related decisions."¹⁵

The ASRC acknowledges that the IAA is funded for another year and there are reforms underway that will see the abolition of the Administrative Appeals Tribunal (AAT), which should include the IAA, and the establishment of a fair and humane system. Further, it is implied that the IAA will be covered by the commitment in paragraph 10 subsection F, which states:

"Noting the abolishment of the AAT Labor will create a fair, simple, affordable and accessible processes and procedures, including in relation to adverse credibility findings, for the review of refugee related decisions."

However, the ALP has not explicitly stated that the IAA will be abolished, and the additional year of funding provided to the IAA is resulting in more unfair decision-making and additional court proceedings.

¹⁴ ALP "Labor's 2021 National Platform" (2021).

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

¹⁵ ALP "Labor's 2021 National Platform" (2021).

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

ASRC recommends including the abolishment of the IAA explicitly in this recommendation, so it will read:

“Noting the abolishment of the AAT, **and abolishment of the IAA**, Labor will create a fair, simple, affordable and accessible processes and procedures, including in relation to adverse credibility findings, for the review of refugee related decisions.”

Abolish TPV/SHEV

There have also been noticeable changes in the Draft National Platform from the 2021 National Platform concerning the section *Statement in Detail: Australia's humanitarian intake, settlement services and refugee assessment* that are of concern. For example, paragraph 9 of the Draft National Platform states:

“Temporary Protection Visas place refugees in an ongoing State of uncertainty and prevent meaningful settlement, creating hardship for refugees and denying Australia the benefit of their contribution, which is why Labor has transitioned holders to permanency.”

While this policy in isolation is positive and the Albanese Government’s pathway to permanency for people on TPV and SHEV is welcome, it marks a noticeable change from the commitment in the previous National Platform. The 2021 National Platform in paragraph 10 in *Statement in Detail: Australia's humanitarian intake, settlement services and refugee assessment* stated:

“Labor will abolish Temporary Protection Visas and Safe Haven Enterprise Visas and transition eligible refugees onto permanent visa arrangements.”¹⁶

TPV and SHEV are part of an unjust and cruel policy that has denied refugees their basic human rights and separated families for a decade. Abolishing all temporary protection visas is a noticeable absence from the current Draft National Platform and must be reinstated.

Statement in Detail: A nation built on migration

Family reunion

The ASRC supports the Draft National Platform’s position in paragraph 13, which states:

“Family reunion for migrants and refugees is important to successful settlement.”

However, this statement is not strong enough in a context where current policy is preventing refugees from reuniting with families. For example, it is almost impossible for children over the age of 18 to reunite with their parents in Australia. People subjected to the temporary protection regime have not been eligible to sponsor any family for a decade. Although refugees who hold temporary protection visas, which are currently being converted to permanent Resolution of

¹⁶ALP “Labor’s 2021 National Platform” (2021).

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

Status visas, will soon be able to sponsor family, many of their children have 'aged out' of the ability to be sponsored by their parents in Australia visas according to the Migration Regulations requirements for a Child (subclass 101) visa. These refugees have been punished and denied family reunion due to their mode of arrival to Australia. In addition, this issue has been compounded by excessive visa processing delays, which have resulted in refugees and migrants waiting several years to be granted a visa. By the time their visa is granted, their children are 'aged out' of the ability to be sponsored by their parents for a Child (subclass 101) visa.

As such, ASRC recommends a stronger commitment to family reunion.

"Family reunion for migrants and refugees is important to successful settlement, and Labor will ensure there are accessible pathways to family reunion and that people are not prevented from reuniting with family based on their mode of arrival to Australia."

It should be noted that in February 2023, the Albanese Government abolished Ministerial Direction 80, a policy that deprioritised family visa applications for people who sought asylum by sea. This was replaced by Ministerial Direction 102, in which people are entitled to have family visa applications dealt with under the usual processes, regardless of how they travelled to Australia. This is a positive step that is in line with the recommended change above.

Appendix: Recommended changes

Statement in Detail: Australia's border and immigration detention

Move to paragraph 7 in *Statement in Detail: Australia's border and immigration detention* and change of wording in paragraph 3 subsection B:

~~"The non-statutory processing on Christmas Island of persons who arrive unauthorised at an excised place, except where other arrangements are entered into under bilateral and regional arrangements.~~ **Permanently close down North West Point Immigration Detention Centre on Christmas Island."**

Change of wording in paragraph 6:

"Unauthorised arrivals will **only be detained as a last resort**, for management of health, identity and security risks to the community. Labor will ~~strive to~~ **ensure this is for no longer than 90 days.**"

Change of wording in paragraph 7 subsection H: "

The use of hotel-like accommodation as an alternative place of detention should **not occur** ~~only occur when necessary and for the shortest period of time required.~~ The appropriateness of such arrangements are to be reviewed regularly. ~~Unless required for health or safety, the maximum length of time a person should be detained in hotel like accommodation is 90 days."~~

Change of wording in Paragraph 11 subsection D:

~~"Improve the medical transfer process, establish an Independent Health Advice Panel to provide medical advice and maintain ministerial discretion in all decision making.~~ **Offer people seeking asylum and refugees sent to offshore regional processing centres immediate evacuation to Australia while they await permanent resettlement."**

Move to *Statement in Detail: Australia's humanitarian intake, settlement services and refugee assessment* and change of wording in paragraph 14:

~~"As soon as the reasons for mandatory detention have ceased every effort must be made to remove People seeking asylum from immigration detention centres through~~ **in the community, either in community detention or on bridging visas, must have ongoing work and study** rights. People seeking asylum will have means-tested access to funded migration assistance, and to **mainstream** 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."

[Statement in Detail: Australia's humanitarian intake, settlement services and refugee assessment](#)

Change of wording in paragraph 7:

"Labor believes that Australia can further support global resettlement efforts by expanding access to protection for refugees and those with humanitarian need through complementary resettlement pathways. Complementary resettlement intakes will be in addition to the government's refugee and humanitarian program. Labor will ~~progressively~~ increase the community sponsored refugee program to **at least** 5,000 places per year."

Change of wording in paragraph 8:

"Labor ~~aspires to progressively~~ **will** increase Australia's government funded humanitarian intake to **at least** 27,000 places per year."

Change of wording in paragraph 10 subsection F:

"Noting the abolishment of the AAT, **and abolishment of the IAA**, Labor will create a fair, simple, affordable and accessible processes and procedures, including in relation to adverse credibility findings, for the review of refugee related decisions."

Reintroduce policy from the 2021 National Platform:

"Labor will reintroduce the 90 day rule into the Migration Act."

Reintroduce policy from the 2021 National Platform:

"Labor will abolish this fast track assessment process."

Reintroduce policy from the 2021 National Platform:

“Labor will abolish Temporary Protection Visas and Safe Haven Enterprise Visas.”

Additional paragraph:

“Provide permanent residency to all people seeking asylum subjected to the fast track assessment process.”

Statement in Detail: [A nation built on migration](#)

Change of wording paragraph 13:

“Family reunion for migrants and refugees is important to successful settlement, **and Labor will ensure there are accessible pathways to family reunion and that people are not prevented from reuniting with family based on their mode of arrival to Australia.**”