

Introduction

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. Our services include legal, casework, housing, medical, education, employment and emergency relief. Based on what we witness through our service delivery, we advocate for change with refugees to ensure their human rights are upheld.

The ASRC welcomes the opportunity from the Senate Foreign Affairs, Defence and Trade Committee to provide a submission regarding its Inquiry into Australian support for Ukraine. The ASRC has provided emergency relief to Ukrainians who fled to Australia in the wake of the escalation of Russia's invasion in 2022, and issued a grant via its refugee leadership and capacity building fund to The Association of Ukrainians in Victoria, an organisation working with Ukrainians seeking asylum in Australia.

Australia's response to Ukraine demonstrates that the Australian Government is capable of listening to affected communities and responding to refugee crises in a swift and flexible manner. Sadly, calls for a responsive and tailored refugee program that provides people with safety from other crises around the world, including in Afghanistan, Gaza and Sudan, have gone unheard by the Government. The ASRC strongly urges the Government to respond to refugee crises in a consistent manner that is attentive to recommendations by affected communities and empowers people seeking asylum in Australia to live in safety and with dignity.

Recommendations

- **Recommendation 1: Allow Ukrainians to extend their Temporary Humanitarian Concern visas, provide accessible pathways to permanency and inform visa holders as soon as possible.**
- **Recommendation 2: Provide work rights, study rights, access to healthcare and mainstream social support to all people seeking asylum at all stages of the refugee status determination process.**
- **Recommendation 3: Adopt a consistent approach to global refugee crises by providing a swift allocation of visas and support services to people seeking asylum.**

Assistance provided to Ukrainians in Australia

Since February 2022, the Department of Home Affairs (Department) has granted over 11,000 visas to Ukrainian nationals.¹ Initially, the Department granted visitor visas to Ukrainians to assist them to flee to Australia. Once they arrived in Australia, the Australian Government offered Ukrainians to apply for Temporary Humanitarian Concern visas (subclass 786) (THC Visa); this offer continued until 31 July 2022. People were initially able to apply for a subclass 499 visa for a six-month period (where they were provided with work rights and were eligible to receive Centrelink Special Benefit payments and support under the Government-funded Humanitarian Settlement Program), and then apply for a THC visa. THC visas were granted for a three-year period. During this time, visa holders have:

- work rights;
- study rights (but not access to Commonwealth Support Places or the Higher Education Loan Program);
- access to Medicare;
- access to Centrelink Special Benefits;
- access to the Humanitarian Settlement Program; and
- childcare subsidies.²

For many people, the three-year period of their THC visas will end in 2025. Ukrainians are living in uncertainty regarding whether the Australian Government will extend their visas. Understandably, this is causing anxiety in the Ukrainian community in Australia as it remains unsafe for people to return home as the war in Ukraine continues, and people are unable to rebuild their lives here with stability.

Recommendation 1: Allow Ukrainians to extend their Temporary Humanitarian Concern visas, provide accessible pathways to permanency and inform visa holders as soon as possible.

According to the Department, Ukrainians in Australia who were not able to accept the Government's temporary offer to apply for a THC visa before 31 July 2022, may access standard visa pathways, including the skilled, family, student and visitor visa programs.³ However, many Ukrainians do not satisfy the criteria for standard visa pathways (such as age restrictions or English language requirements for work visas). Consequently, their only option is to apply for a bridging E visa (BVE) or Protection visa. There is no guarantee they will have study or work rights on their BVE or while their Protection visa application is processed, and they cannot receive other assistance provided to THC visa holders, including access to Centrelink and the Humanitarian Settlement Program.

¹ Department of Home Affairs, Ukraine visa support, 14 March 2024, <https://www.homeaffairs.gov.au/help-and-support/ukraine-visa-support>.

² Refugee Council of Australia, Information for people fleeing Ukraine, 21 May 2023, <https://www.refugeecouncil.org.au/information-for-people-fleeing-ukraine/>

³ Department of Home Affairs, Ukraine visa support, 14 March 2024, <https://www.homeaffairs.gov.au/help-and-support/ukraine-visa-support>.

Sadly, this is the position of tens of thousands of people seeking asylum in Australia who do not have access to social support, and are often denied work rights, study rights and access to healthcare for years while they await a visa outcome, which causes extraordinary hardship and suffering.

When the Australian Government announced THC visas would be offered to Ukrainians in Australia, it recognised that people need access to employment, healthcare, accommodation and social supports to live in safety and with dignity. The same assistance should be provided to all people seeking asylum in Australia and there should be no discrimination based on their nationality or race.

Recommendation 2: Provide work and study rights, access to healthcare and mainstream social support to all people seeking asylum at all stages of the refugee status determination process.

The Government should adopt a consistent approach to responding to refugee crises. In the 2022-23 October budget, \$18.4 million over four years from 2022-23 was allocated to THC visas for people from Ukraine, including an extension of their access to Medicare.⁴ Further, \$0.6 million in additional funding in 2022-23 was allocated to the Ukrainian Community and Settlement Support program to provide further support for the ongoing settlement and integration needs of people arriving in Australia from Ukraine.⁵ This funding and support for Ukrainians was welcomed in response to a community affected by war and displacement.

However, it is inconsistent that similar funding was not provided to other communities that have experienced dire humanitarian crises and ongoing displacement. For example, the Australian Government has not provided any additional allocation of visas or support for people from Sudan in Australia in response to the escalation in the conflict in Sudan since April 2023.

Recommendation 3: Adopt a consistent approach to global refugee crises by providing a swift allocation of visas and support services to people seeking asylum.

Conclusion

Australia's response to Ukraine demonstrates that the Australian Government is capable of swiftly responding to refugee crises. The ASRC urges the Government to provide extended protection to Ukrainian THC visa holders with accessible pathways to permanency given the likelihood of a protracted war in the Ukraine. Additionally, the response to Ukraine should be replicated by providing all people seeking asylum in Australia with work and study rights, access to healthcare and mainstream social support, and implementing a responsive refugee program that provides people with safety from global humanitarian crises in line with recommendations by affected communities.

⁴ Refugee Council of Australia, 2022-23 October Federal Budget: What it means for refugees and people seeking humanitarian protection, 26 October 2022, <https://www.refugeecouncil.org.au/federal-budget-summary/2/>.

⁵ Ibid.