

Asylum Seeker Resource Centre 2025-26 Humanitarian Program



Introduction

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 legal, casework, 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 rights are met and they can live in safety and with dignity.

The ASRC welcomes the opportunity to contribute to the Department of Home Affairs' (Department) consultation on the management and composition of Australia's Humanitarian Program 2025-26.

Our submission is based on extensive consultations with people seeking asylum and refugees, most recently in April 2025 to inform our priority policy areas for reform.

Australia has the capacity to become a regional and international leader in its humanitarian program and successfully resettle refugees in the community. If the Albanese Government wants to establish a world-leading and successful humanitarian settlement system, it must welcome more refugees and ensure that the humanitarian program and refugee status determination are 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. Increasing the humanitarian intake and ensuring that people seeking asylum have access to their rights while in the community is essential for the successful management and composition of Australia's humanitarian program.

Recommendations

Composition of Humanitarian Program:

- **Recommendation 1:** Increase the annual Humanitarian Intake to 50,000 places per year, and an additional 10,000 places through community sponsor programs and complementary pathways.
- **Recommendation 2:** Lift the ban on resettling refugees in Indonesia.
- **Recommendation 3:** Delink the target for the offshore humanitarian intake from the onshore humanitarian intake and ensure there is no target/ceiling for the onshore humanitarian intake.

Responding to global refugee crises:

- **Recommendation 4:** Provide additional and adequate humanitarian intakes when global humanitarian emergencies emerge in a consistent, fair, and humane manner.

Family reunification:

- **Recommendation 5:** Provide family reunion mechanisms to allow dependent family members (including 'aged out' children) to come to Australia.

Fair and efficient humanitarian visa processing:

- **Recommendation 6:** Provide all people seeking asylum with access to a fair and efficient refugee status determination process, including the introduction of the '90 day rule' regarding processing timeframes and access to procedural safeguards in merits review.
- **Recommendation 7:** Ensure that all people seeking asylum, particularly those in immigration detention, have free legal advice throughout the refugee status determination process, including merits review and judicial review stages.
- **Recommendation 8:** Provide ongoing work rights and study rights for people seeking asylum on bridging visas for the duration of their protection visa application and review process, including merits review, judicial review, and ministerial intervention stages.
- **Recommendation 9:** Expand eligibility to the Status Resolution Support Services and provide people seeking asylum access to mainstream social support services for the duration of their protection visa application process, including merits review, judicial review, and ministerial intervention stages.

Permanent protection:

- **Recommendation 10:** Provide permanent residency to all people seeking asylum subjected to the unfair Fast Track process.
- **Recommendation 11:** Medically evacuate people held offshore on Nauru & Papua New Guinea (PNG), including family members, to safety in Australia for urgent medical treatment, and provide them with necessary supports and a clear and swift pathway to permanency for those who do not have resettlement options.
- **Recommendation 12:** End the policy of sending people seeking asylum by sea to offshore detention, and process applications for protection in the Australian community. People found to be refugees should be permanently and swiftly resettled.

Composition of the Humanitarian Program

Question 1 in the Department's Discussion Paper concerns the composition of Australia's 2025-26 Humanitarian Program.¹

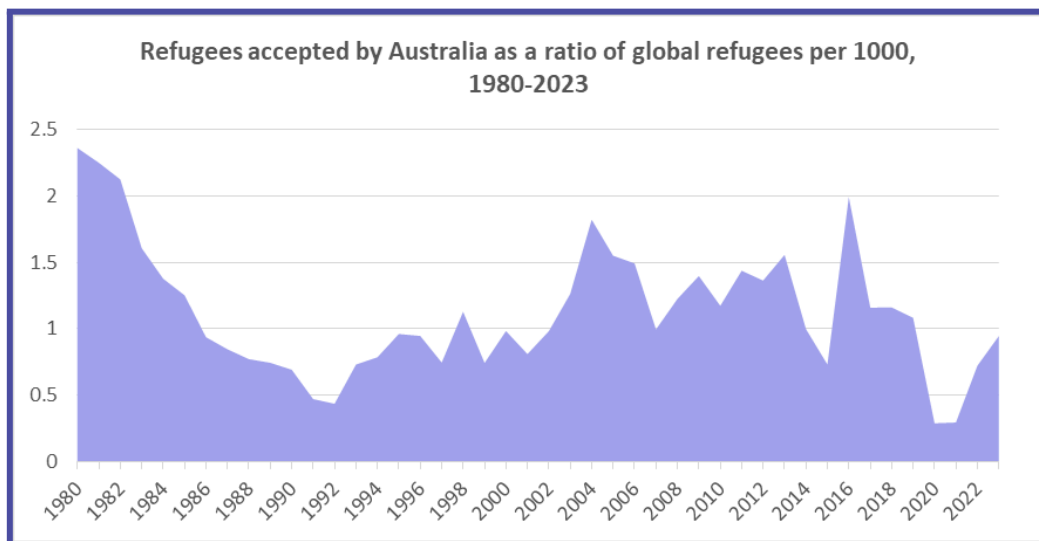
¹ Department, 2025,
<https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2025-26-humanitarian-program-discussion-paper.pdf>

Increase humanitarian intake

There must be an immediate increase in Australia's humanitarian intake. There is sustained widespread community support for this to occur, including the 2024-25 Department Humanitarian Program consultations.² The most recent Federal Budget maintained the humanitarian intake at 20,000 places,³ despite the ALP committing in their 2023 National Platform to increasing the humanitarian intake to 27,000 places per year.⁴

The Albanese Government is now in its second term of government, yet has not fulfilled its policy platform, despite the clear need and public support. An increase to 50,000 humanitarian places is aligned with other countries such as Canada, which resettled more than 51,000 refugees in 2023.⁵

Australia's humanitarian intake is an inadequate response to the over 123 million people displaced globally.⁶ As mentioned in the Department's Discussion Paper, the US' suspension of humanitarian visas and cuts to foreign aid have created **unprecedented demand** for places under the humanitarian program.⁷ The graph below demonstrates Australia's humanitarian intake failing to keep pace with the number of people in need of safety and protection.



Source: <https://devpolicy.org/australias-humanitarian-intake-not-keeping-up-with-need-20250211/>

Question 3 in the Department's Discussion Paper mentioned the Community Support Program becoming oversubscribed with increasing processing times.⁸ To address this, community sponsorship pathways should be expanded to 10,000 places per annum, in addition to Australia's overall humanitarian intake.

² Department, 2024, <https://www.homeaffairs.gov.au/reports-and-pubs/files/2024-25-hum-program-consultation-summary.pdf>

³ Refugee Council of Australia, 2025, <https://www.refugeecouncil.org.au/wp-content/uploads/2025/03/2025-26-Budget-Summary-RCOA-FINAL.pdf>

⁴ Australian Labor Party, 2023, p 138, <https://www.alp.org.au/media/3569/2023-alp-national-platform.pdf>.

⁵ Refugee Council of Australia, 2023, <https://www.refugeecouncil.org.au/refugees-protected-in-australia-2023/>

⁶ UNHCR, <https://www.unhcr.org/global-trends>

⁷ Department, 2025, p 3, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2025-26-humanitarian-program-discussion-paper.pdf>

⁸ Department, 2025, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2025-26-humanitarian-program-discussion-paper.pdf>

In December 2023, at the Global Refugee Forum, the Australian government pledged to “increase community sponsored and other complementary places to 10,000 per year over time, additional to the core humanitarian intake”.⁹ This was also outlined in the ALP’s 2023 National Platform.¹⁰ There have been many calls from within the sector for the government to honour this commitment,¹¹ along with recommendations on how this can be implemented.¹²

While it is positive that the Albanese Government made the Community Refugee Integration and Settlement Pilot (CRISP) permanent in February 2025,¹³ community sponsorship programs should be additional to the humanitarian intake quota as recommended by Community Refugee Sponsorship Australia (CRSA).¹⁴

Recommendation 1: Increase the annual Humanitarian Intake to 50,000 places per year, and an additional 10,000 places through community sponsor programs and complementary pathways.

Lift the ban on resettling refugees in Indonesia

In 2014, the Morrison Government banned refugees who registered with UNHCR in Indonesia after June 2014 from accessing resettlement in Australia. This includes people who have family members already in Australia and prevents people from resettling through family reunification.

As of 2022, there are **13,700 refugees stranded in Indonesia, with many unable to access any pathways to resettlement** or durable solutions.¹⁵ All are unable to return home and remain stranded in limbo, awaiting resettlement in a third country, which is extremely lengthy, and very limited places are available.

Most people seeking asylum have been waiting for over a decade in Indonesia to be resettled, with some waiting up to **13 years**.¹⁶ In the meantime, people are stranded with no legal status or right to work. Some people seek irregular work in Indonesia; however, this makes them vulnerable to exploitation, modern slavery, and deportation. Furthermore, without legal status, people seeking asylum and refugees are unable to gain an education in Indonesia.

As a result of this situation, refugees in Indonesia face significant mental health problems.¹⁷ At least 13 refugees have committed suicide in Indonesia, with many more dying of natural causes or becoming homeless.

⁹ Refugee Council of Australia, 2025, <https://www.refugeecouncil.org.au/2025-complementary-pathways-vision-roadmap/>

¹⁰ Australian Labor Party, ALP National Platform - As determined by the 49th National Conference, 2023, p 138.

¹¹ CRSA, 2025, <https://refugeesponsorship.org.au/policy-brief-how-community-sponsorship-can-support-government-objectives-in-2025-and-beyond/>

¹² Refugee Council of Australia, 2025, <https://www.refugeecouncil.org.au/2025-complementary-pathways-vision-roadmap/>

¹³ CRISP, <https://refugeesponsorship.org.au/what-we-do/crisp/>

¹⁴ CRSA, 2025, <https://refugeesponsorship.org.au/policy-brief-how-community-sponsorship-can-support-government-objectives-in-2025-and-beyond/>

¹⁵ Refugee Council of Australia, 2022, <https://www.refugeecouncil.org.au/refugees-live-in-destitution-in-indonesia/#:~:text=Over%2011%2C000%20people%20remain%20in,Indonesia%20and%20accelerate%20processing%20times.>

¹⁶ Ibid.

¹⁷ Ibid.

This crisis in Indonesia is especially concerning as the Trump administration announced in January 2025 that it would suspend the US Refugee Admissions Program (USRAP). This impacts refugees who have been waiting in Indonesia to be resettled for over a decade and can no longer be resettled in the US.

Furthermore, banning resettlement for refugees and people seeking asylum in Indonesia encourages people to take irregular journeys by sea, as they have no other options for resettlement. The Australian Government must abandon its ineffective policy of 'deterrence' and commence a humanitarian response that is humane and urgently responds to this worsening situation.

Question 2 in the Department's Discussion Paper stated the need for Australia's Humanitarian Program to support our region.¹⁸ Current policy is worsening the situation in the Asia-Pacific and does not reflect the role Australia should take as a signatory to the *Refugee Convention 1951* and as a leader in our region.¹⁹

Recommendation 2: Lift the ban on resettling refugees in Indonesia.

Delinking onshore and offshore

For several years, the Government has increased the number of onshore visas whilst reducing the number of refugees being resettled from overseas. **No other resettlement country in the world links its onshore refugee grants with its overseas resettlement places.** This is an artificial linking of the onshore and offshore humanitarian intake that undermines Australia's ability to respond to international crises promptly and provide a fair system for people seeking asylum in the community.

For several years, the Government has implemented a predetermined cap on onshore protection visas – from 1,650 in 2018 to 3,000 in 2024.²⁰ This increase in onshore protection visas reduces the number of refugees being resettled from overseas and prevents Australia from meeting its responsibility to the global community.

Additionally, with over 75,000 people currently seeking asylum in Australia,²¹ 2,000 places for onshore protection visas is an arbitrary and inadequate response, which exacerbates processing delays and creates devastating impacts for people seeking asylum who are living in constant uncertainty. The Albanese Government cannot meaningfully address the lengthy delays in visa processing faced by people seeking asylum while maintaining this policy.

¹⁸ Department, 2025,

<https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2025-26-humanitarian-program-discussion-paper.pdf>

¹⁹ For more information see <https://asrc.org.au/policies-old/humanitarian-regional-approach/>

²⁰ Refugee Council of Australia, 2024, <https://www.refugeecouncil.org.au/key-points-2024-25-humanitarian-program/>

²¹ This figure includes protection visa applications on foot before the Department, review applications before the AAT and judicial review applications before the Courts. See Refugee Council of Australia, Statistics on people seeking asylum in the community - Delays and what happens to them, <https://www.refugeecouncil.org.au/asylum-community/5/>; Administrative Appeals Tribunal, MRD refugee caseload summary by country of reference, <https://www.aat.gov.au/AAT/media/AAT/Files/Statistics/MRD-refugee-caseload-by-country-2023-24.pdf>.

Recommendation 3: Delink the target for the offshore humanitarian intake from the onshore humanitarian intake and ensure there is no target/ceiling for the onshore humanitarian intake.

Responding to global refugee crises

Questions 2 and 4 in the Department's Discussion Paper concern the need for Australia's 2025-26 Humanitarian Program to better respond to global refugee crises.²²

Additional intakes for global emergencies

Ongoing war and displacement continue to impact people and families, with humanitarian crises occurring in Sudan, Myanmar, and Gaza. Many in our community have family members currently in danger in these regions. The Australian Government must provide safety to those displaced by escalating violence, and fulfill our humanitarian responsibility as a signatory to the *Refugee Convention 1951*.

The Australian Government's current approach to humanitarian crises is inconsistent, ineffective, and fails to meet its global responsibilities. Following the outbreak of conflict in Ukraine and Afghanistan, additional humanitarian intakes were provided. However, additional intake has not been offered to Palestinian nationals fleeing Gaza.

To respond to humanitarian crises fairly and humanely, an emergency protection framework should be established.²³ As recommended by the Kaldor Centre, the Australian government should establish an "overarching decision-making framework" that encompasses both physical protection, such as evacuating people, and legal protection. This would provide the government with a ready-made plan and enable it to deliver a swift, considered, equitable, and effective emergency response, rather than arbitrary and hastily created policies.²⁴

This is evident in the contrast between Australia's response to conflict in Afghanistan, Ukraine, and Gaza. In March 2022, the Morrison Government committed to an additional 4,125 visas for people from Afghanistan every year for 4 years, which was well below the immediate 20,000 additional places called for by the community and was only announced after a sustained campaign over 9 months.²⁵

Within a month of Russia's invasion of Ukraine, the Morrison Government issued Temporary Humanitarian Concern visas (subclass 786) to people fleeing the war, allowing people to work, study, access mainstream social support and Medicare, amongst other supports. From 2022-2024, the Government granted over 11,500 of these visas to Ukrainian nationals.²⁶

²² Department, 2025, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2025-26-humanitarian-program-discussion-paper.pdf>

²³ Kaldor Centre, 2024, <https://www.unsw.edu.au/content/dam/pdfs/law/kaldor/2024-09-policy-brief-15-emergency-protection.pdf>

²⁴ Ibid.

²⁵ Action for Afghanistan, Open Letter, 2022, <https://www.actionforafghanistan.com.au/open-letter>.

²⁶ Department of Home Affairs, Ukraine visa support, March 2024, <https://www.homeaffairs.gov.au/help-and-support/ukraine-visa-support>.

As of 2024, Australia has granted 2,564 Visitor visas to Palestinians and 5,410 Visitor visas to Israeli citizens since October 7 2023.²⁷ Temporary Humanitarian Concern visas like those offered to Ukrainians were not made available to Palestinian nationals until October 2024 (one year into the conflict), with Visitor visas (subclass 600) being the primary option,²⁸ meaning that people were unable to work or access a social safety net. As of January 2025, 642 Palestinians are awaiting the outcome of their Visitor visa to be processed.²⁹

Approximately 10,000 Palestinians have applied for visas, yet only 2,500-3,000 were approved. Of these, only 1,300 have been able to travel to Australia.³⁰ According to 2025 Senate Estimates, **7,637 Palestinians have had their visa applications refused.**³¹ This is in stark contrast to the government's response to conflict in Ukraine, where Australia accepted 4,877 Ukrainians fleeing war between April 2022-July 2022, and **rejected less than 5.**³²

Furthermore, additional humanitarian intake must adequately respond to demand. Australia provided a limited intake for people from Afghanistan, which did not respond to the scale of the humanitarian crisis. Between 2021-2024, over 250,000 Afghan nationals applied for offshore humanitarian visas.³³ However, only 19,787 were granted offshore humanitarian visas between 2021-24, which is approximately 7% of those who applied.³⁴ Australia also fell short when compared to other countries' responses, with Canada granting an additional 40,000 humanitarian visas and the US offering close to 100,000 humanitarian visas for people from Afghanistan.³⁵

Australia must not continue its arbitrary approach to international emergencies. The humanitarian program must provide additional humanitarian intakes to respond to global emergencies, and emergency responses should be implemented consistently using an established framework.

Recommendation 4: Provide additional and adequate humanitarian intakes when global humanitarian emergencies emerge in a consistent, fair, and humane manner.

Family reunification

Question 3 in the Department's Discussion Paper concerns the Humanitarian Program being primarily used for family reunification.³⁶

²⁷ Refugee Council of Australia, 2024, <https://www.refugeecouncil.org.au/humanitarian-visas-palestinians-and-israelis/>

²⁸ Refugee Council of Australia, 2023, <https://www.refugeecouncil.org.au/senate-estimates-analysis/>

²⁹ Senate Legal and Constitutional Affairs Committee, 2025 Additional estimates February, AE25-428.

³⁰ Refugee Council of Australia, 2024, <https://www.refugeecouncil.org.au/humanitarian-visas-palestinians-and-israelis/>

³¹ Senate Legal and Constitutional Affairs Committee, 2025 Additional estimates February, AE25-309.

³² Senate Legal and Constitutional Affairs Committee, 2024 Budget estimates May, BE24-0093.

³³ Department of Home Affairs, <https://www.homeaffairs.gov.au/help-and-support/afghanistan-update>

³⁴ Ibid.

³⁵ The Lowy Institute, <https://www.loyyinstitute.org/the-interpreter/where-did-afghan-refugees-go-where-next>

³⁶ Department, 2025, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2025-26-humanitarian-program-discussion-paper.pdf>

Provide family reunion mechanisms

Family unity is a central component of refugee protection. Many refugees are unable to reunite with their families in Australia due to complex procedures, delays, and prohibitive visa fees.³⁷ More mechanisms for family reunification should be provided to reduce the burden on the Humanitarian Program and processing times.

People remain separated from their loved ones due to the inflexible and narrow concepts of family, which determine visa eligibility.³⁸ The Minister for Home Affairs can amend the Migration Regulations 1994 (Cth) to remove the age criteria for dependent applicants for Partner visas, ensuring children do not 'age out' from eligibility and become permanently separated from their families.

Amendments could also allow for the waiver of visa application charges applicable to Family stream visas sponsored by people from refugee backgrounds who are experiencing financial hardship. This would enable applications for immediate family members (partners, dependent children) to be managed through the family stream, therefore reducing the impact on the humanitarian program. While they would still be entitled to less support on arrival, this would at least relieve the burden of the up-front costs of applications, enabling more people to apply in the family stream.

The government should also waive or postpone certain visa criteria, such as health checks, biometrics collection, or the provision of State-issued identity or background documents if they cannot practically be satisfied by an applicant or sponsor from a refugee background.

The Department of Home Affairs needs to commit sufficient resources to urgently resolve the remaining backlog of Partner and Child visa applications pending for more than two years, and to guarantee reasonable processing times into the future.

In 2025, the ASRC conducted consultations with refugees and people seeking asylum, reviewing advocacy priorities. Family reunion was the third most common issue discussed by respondents, with 19% expressing the need for more advocacy on this.

Respondent: "More focus is needed on ensuring that people seeking asylum have the ability to reunite with their families, as prolonged separation has significant emotional and psychological impacts."

Recommendation 5: Provide family reunion mechanisms to allow dependent family members (including 'aged out' children) to come to Australia.

Fair and efficient humanitarian visa processing

³⁷ Asylum Seeker Resource Centre, 2022-2025 Budget Priorities, p. 6.

³⁸ Narrow definitions of 'family unit' and 'immediate family' in the Migration Regulations also exclude some people from the split family provisions of the Special Humanitarian Program, and prevent some families from applying for protection visas as a family unit (including where children turn 18 while waiting for a protection application to be processed). See Migration Regulations 1994 (Cth), reg 1.12 and 1.12AA.

The ASRC has additional concerns regarding protection visa processing. People seeking asylum should have access to a fair and efficient refugee status determination process in Australia. Australia's current refugee status determination process denies procedural fairness and is overly bureaucratic, which has resulted in protracted delays, unjust decisions, and devastating impacts on people's lives.³⁹

In May 2024, the ASRC welcomed the long-overdue passage of legislation to replace the AAT with the Administrative Review Tribunal (ART), which abolished the Fast Track process.⁴⁰ The establishment of the ART will also address concerns regarding protracted delays and bias, including a transparent and merit-based system of appointments. The ART commenced on 14 October 2024, and cases before the IAA and AAT at this time have been transferred to the ART for finalisation.

Inefficient processing system

In 2018-2019, the average time for the Department to process a permanent protection visa application was 334 days; by 2022-23, this had more than tripled to 1,076 days, almost three years.⁴¹ Lawyers at the ASRC have observed that it can take one to three years for an applicant to be invited to a Department interview, and even when a person is found to be owed protection, it can take an additional year for the protection visa to be granted.⁴²

If a person's permanent protection visa application is refused by the Department, then they must contend with extraordinary delays seeking review before the tribunals and the courts. **These delays mean that some people seeking asylum are waiting for over a decade for a final visa outcome.**

Protracted delays cause significant distress to people seeking asylum as they are unable to plan with any certainty for their future. It denies them the right to rebuild their lives and exacerbates mental health issues, which in turn can impact their ability to engage in the refugee status determination process.

Furthermore, lengthy processing times force people seeking asylum into destitution because they are denied mainstream social support and often do not have work rights.⁴³ Timely decision-making, which does not compromise on quality and fairness, is essential to uphold the rights of people seeking asylum to ensure they can live in safety and with dignity.

Case study

Benjamin* arrived in Australia on a student visa after fleeing his country of origin due to facing serious harm because of his sexuality. He was unaware that he could apply for a protection visa on these grounds. Benjamin's mental health declined due to his trauma. He was unable to meet his student visa requirements, and his student visa was cancelled. Benjamin experienced homelessness and was extremely unwell. He was taken into detention; at this time, he was connected with the ASRC, and he applied for a protection visa and was released from detention on a bridging visa without work rights.

³⁹ For more information refer to the ASRC policy position on Fairness.

⁴⁰ *Administrative Review Tribunal Act 2024 (Cth)*, *Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024 (Cth)*.

⁴¹ Senate Legal and Constitutional Affairs Committee, 2022-23 Budget estimates October and November, OBE22-180.

⁴² For more information refer to the ASRC policy position on Fairness.

⁴³ For more information refer to the ASRC policy position on Safety.

Benjamin waited over five years for his protection visa to be granted and could not work during this time or access Medicare despite his complex health needs.

Benjamin applied for work rights on his bridging visa several times, but the Department refused to grant him work rights because it did not consider that he had an 'acceptable reason' for his delay in applying for a protection visa. The protracted delay and lack of work rights caused immense distress and exacerbated Benjamin's mental health conditions, making it very difficult for him to engage in the protection visa application process.

The 2023 ALP platform committed to reintroducing the '90 day rule'.⁴⁴ The rationale for this rule was included in the 2021 ALP Platform as an accountability measure to ensure that refugee status determinations are concluded in a timely way within 90 days.⁴⁵ 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.

Remove barriers to procedural fairness in merits review

The abolition of the IAA and AAT and the end of the Fast Track process are important steps towards establishing a fair and efficient refugee status determination process. However, the ART legislation maintains an unfair and different set of rules for refugees, people seeking asylum, and migrants, which must be reformed. These laws also disproportionately impact the most disadvantaged people in our community, such as women fleeing gender-based violence and people with severe mental health conditions.

For example, section 367A in the Migration Act requires the ART to draw an unfavourable inference where a protection applicant raises new claims or evidence before the ART if the ART is satisfied the applicant does not have a reasonable explanation for this delay⁴⁶. Protection visa applicants have valid reasons for a delay in providing updated evidence and claims, including family violence, gender or sexuality based claims, trauma and mental health illness, language barriers, fear of authorities, and lack of legal representation.

As the legislation does not provide any guidance regarding what would suffice as a 'reasonable explanation', there is no guarantee that these valid explanations would be accepted by the ART. Consequently, this provision is likely to continue to cause severe hardship and unfair outcomes for protection applicants. There is no valid justification for including this requirement, especially as Tribunal members already have discretion to assess any delay as part of an applicant's credibility within their existing powers.

Another significant barrier for people seeking asylum to access merits review is the ART's inability to extend deadlines for reviewable migration and protection decisions, which unfairly disadvantages migrants and protection applicants. This law is discriminatory as the ART has the power to extend deadlines for other non-migration types of applications. Refugees and people seeking asylum often face additional barriers to seeking review within the standard 28-day timeframe, including immigration detention, language barriers, insecure housing and employment,

⁴⁴ Australian Labor Party, ALP National Platform - As Determined by the 49th National Conference, 2023, p 141.

⁴⁵ Australian Labor Party, ALP National Platform - As Adopted at the 2021 Special Platform Conference, 2021, p 124.

⁴⁶ Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Bill 2023 (Cth) sch 2 item 160.

serious mental or physical illness, and other unforeseen circumstances (e.g. fraudulent migration agent or legal representation), and should have the ability to request an extension of their deadline to seek review.

The ASRC regularly assists protection visa applicants who have missed their ART deadline to seek review for very legitimate and unforeseen circumstances, and suffer the unjust consequences of losing the right to seek merits review. Their only recourse is to seek judicial review before the High Court of Australia, which is costly and not available for the majority of people, or to seek personal intervention from the Minister.

Recommendation 6: Provide all people seeking asylum with access to a fair and efficient refugee status determination process, including the introduction of the '90 day rule' regarding processing timeframes and access to procedural safeguards in merits review.

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 obtain fair outcomes. Expert and accessible legal advice to people seeking asylum improves outcomes and processing at the Department and review stages, including reduced wait times. 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**.⁴⁷

In October 2023, the ASRC welcomed the Government's announcement of a \$160 million package to address visa processing delays, including over \$48 million for legal representation for protection visa applicants.⁴⁸ However, a commitment is needed to ensure that this funding is ongoing.

The ASRC does not receive any Federal government funding and continues to witness that the demand for free legal advice for people seeking asylum is much higher than the resources available. It remains to be seen whether the recent funding will significantly improve access to legal representation for people seeking asylum, particularly people with higher barriers to access to justice, such as those in immigration detention.

Recommendation 7: Ensure that all people seeking asylum, particularly those in immigration detention, have free legal advice throughout the refugee status determination process, including merits review and judicial review stages.

Work, study, and rebuild

A fair, humane, and efficient humanitarian program must enable people seeking asylum to access their rights and adequate social support while awaiting their visa application. When people seeking asylum do not have access to necessities such as work, food, housing, and healthcare, they are

⁴⁷ The Conversation, 2020,

<https://theconversation.com/how-refugees-succeed-in-visa-reviews-new-research-reveals-the-factors-that-matter-13176>

⁴⁸ The Hon Andrew Giles MP,

<https://minister.homeaffairs.gov.au/AndrewGiles/Pages/restoring-integrity-protection-system.aspx>.

prevented from living in safety and with dignity, and effectively engaging with the protection visa application process.

Currently, thousands of people seeking asylum in Australia are not allowed to work or study while awaiting the outcome of their protection visa application. **Of the people the ASRC works with, 63% have no right to work.** As of May 2025, there are 27,406 people who are awaiting the outcome of their applications with the Department of Home Affairs.⁴⁹

During this period, some people remain on short-term bridging visas without work or study rights, and are excluded from social supports and healthcare. In 2022-23, the average time for someone to wait for their application was almost 3 years; however, some people have waited well over a decade. This forces many into destitution and reliance on charities.

Senate Estimates show that as of December 2024, there are 9,000 people on bridging visas without work rights.⁵⁰ A further 1,527 people who arrived by sea are awaiting the renewal of their bridging visas and are unable to work.⁵¹

Many people seeking asylum also lack study rights, and for those who do, affordability is a major barrier. Many people seeking asylum are excluded from subsidised apprenticeships, training, and certification programs. Many people are required to pay full international student fees to attend university, which is approximately **400% higher than domestic rates.**⁵²

The bridging visa conditions that prevent a person from working and studying are condition 8101 (no work), condition 8207 (no study), and condition 8201 (maximum 3 months study). The circumstances in which these must be applied are governed by Schedule 2 of the Migration Regulations 1994 and by policy directions. No legislative change is required to enact these recommendations.

Recommendation 8: Provide ongoing work rights and study rights for people seeking asylum on bridging visas for the duration of their protection visa application and review process, including merits review, judicial review, and ministerial intervention stages.

People seeking asylum are also excluded from accessing integral social support, such as healthcare, income, and housing support. The vast majority of people who access the ASRC's services at both our Footscray and Dandenong sites do not have Medicare. **In 2023, 80-90% of people accessing the ASRC's GP clinic did not have access to Medicare.**⁵³ In 2024, the ASRC witnessed a 43% increase in the number of families relying on its community foodbank.⁵⁴ For the few who do have access to assistance, the limited amount is insufficient.

Around 3% of people seeking asylum receive Status Resolution Support Services (SRSS), which the government refers to as a 'transitional allowance'. Under SRSS, both housing and income support

⁴⁹ Department, 2025,

<https://www.homeaffairs.gov.au/research-and-stats/files/monthly-update-onshore-protection-866-visa-processing-may-2025.pdf>

⁵⁰ Additional Estimates February 2025, QON AE25-377.

⁵¹ Additional Estimates February 2025, QON AE25-380.

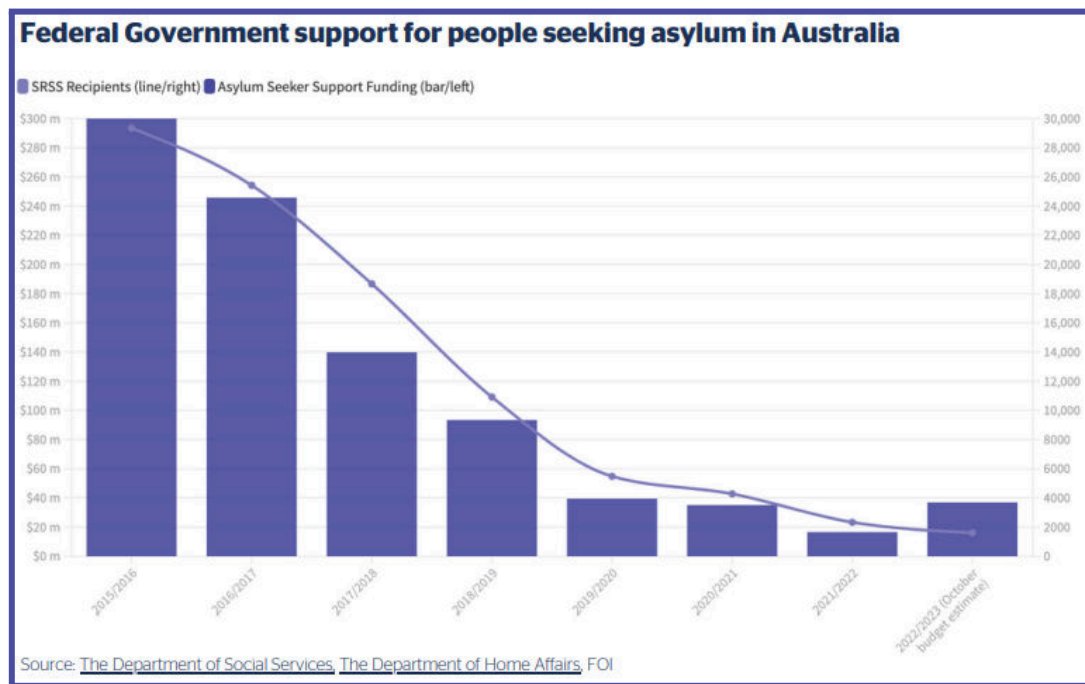
⁵² For more information refer to the ASRC policy position on Safety.

⁵³ ASRC, 2023, https://asrc.org.au/wp-content/uploads/2023/04/ASRC_Policy_Through_Poverty_Finalv1.pdf

⁵⁴ ASRC, 2024, <https://asrc.org.au/2024/08/08/food-insecurity-on-the-rise-in-2024/>.

are only provided at 89% of the rate provided by Centrelink. Furthermore, 12% of people who receive SRSS are not provided with any income support, and many do not have the right to work.⁵⁵

Over the past eight years, the Federal Government has cut its budget of support for people seeking asylum in the Federal Budget by 95% from \$300 million in 2016 to \$20 million in 2025-26.⁵⁶ The threshold for access has also been cut, where those receiving SRSS funding dropped to 2,089 in December 2024.⁵⁷



Recommendation 9: Expand eligibility to the Status Resolution Support Services and provide people seeking asylum access to mainstream social support services for the duration of their protection visa application process, including merits review and judicial review stages.

Permanent protection

Addressing the ongoing injustices endured by people who sought asylum by sea over a decade ago is essential to ensure the humanitarian program is fair and just.

⁵⁵ Legal and Constitutional Affairs Committee, 2022, "Question on notice: OBE22-233 - Status Resolution Support Services - Income Support".

⁵⁶ Refugee Council of Australia, 2025,

<https://www.refugeecouncil.org.au/wp-content/uploads/2025/03/2025-26-Budget-Summary-RCOA-FINAL.pdf>

⁵⁷ <https://immi.homeaffairs.gov.au/programs-subsite/files/administration-immigration-programs-14th-edition.pdf>

People subjected to Fast Track process

The 'Fast Track' refugee status determination process, introduced by the former Coalition government in 2014, was widely recognised as unfair. It prevented access to the Administrative Appeals Tribunal and failed to uphold basic standards of procedural fairness.

People subjected to the Fast Track process have been living in Australia for over a decade - they have been working, paying taxes, attending school, and rebuilding their lives. These people remain in the community with uncertain visa status, including children and young people who have spent their whole lives in Australia, contributing to our communities.

From March 2023, people who were granted TPV or SHEV via the Fast Track process could apply for a permanent Resolution of Status Visa (RoSV). However, there are still **8,260 people seeking asylum who have not had their matters resolved**.⁵⁸ The only options available to them are to continue through the court process or to request the Minister to personally intervene to allow them to submit a further protection visa application. Both of these options will take several years and have no guarantee of success.

During this time, many do not have the right to work or study, do not receive Medicare, and cannot access any form of income support, which forces them into destitution.

In late 2024, Minister for Home Affairs Tony Burke expressed an intention to resolve the status of particular cohorts subject to the Fast Track system. In December 2024, the ASRC submitted our clients in those cohorts to Minister Burke for consideration. While we have had some successful interventions, the majority are still outstanding.

The Ministerial intervention process currently being implemented is not a viable pathway to permanency. Outcomes are inconsistent and arbitrary, with identical cases receiving different decisions. Barriers include vague guidelines, delegate screening that limits which cases reach the Minister, and no access to merits review.

Recommendation 10: Provide permanent residency to all people seeking asylum subjected to the unfair Fast Track process.

Offshore detention

Australia is an international outlier, keeping refugees in detention with no effective independent oversight, minimum standards, or timeframes. 37 refugees remain stranded in Papua New Guinea (PNG), and have been awaiting resettlement for over a decade. 94 refugees and people seeking asylum are currently detained in Nauru,⁵⁹ with no resettlement options available for them.

The harm of offshore detention is well known, with over 14 deaths, documented child abuse, physical and sexual assault, medical neglect, and a history of urgent court injunctions for the medical transfer of hundreds of people to Australia.

The 2024 ASRC health report revealed shocking statistics – of those we are in contact with on PNG, **100% of refugees suffer from physical health conditions, and 40% suffer chronic**

⁵⁸ UMA Legacy Caseload Report on Processing Status and Outcomes May 2025, <https://www.homeaffairs.gov.au/research-and-stats/files/unauthorised-maritime-arrivals-bve-31-may-2025.pdf>

⁵⁹ For more information refer to the ASRC policy position on Freedom.

suicidality. Of a sample of 66% of people held on Nauru, **65% reported suffering physical health conditions, and 22% suffer severe mental health conditions.**⁶⁰

To spend even \$1 keeping someone in these conditions for one day would be a national shame. Since the policy was introduced in 2012, successive governments have now spent over \$13 billion on offshore processing.⁶¹ In the 2024-25 budget, the government set aside \$604.4 million for offshore processing, or \$6 million per person detained on Nauru.

Recommendation 11: Medically evacuate people held offshore on Nauru & Papua New Guinea (PNG), including family members, to safety in Australia for urgent medical treatment, and provide them with necessary supports and a clear and swift pathway to permanency for those who do not have resettlement options.

Recommendation 12: End the policy of sending people seeking asylum by sea to offshore detention, and process applications for protection in the Australian community. People found to be refugees should be permanently and swiftly resettled.

⁶⁰ ASRC, 2024,
https://asrc.org.au/wp-content/uploads/2024/07/ASRCreport_Healthcrisisinoffshoredetention_July2024.pdf

⁶¹ RCOA, 2025,
<https://www.refugeecouncil.org.au/wp-content/uploads/2025/03/2025-26-Budget-Summary-RCOA-FINAL3.pdf>