

2026-27 Humanitarian Program Submission

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Introduction

Founded in 2001, the Asylum Seeker Resource Centre (ASRC) provides essential services to over 8,000 people seeking asylum and refugees each year 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 and people seeking asylum to ensure their rights are met, and they can live in safety and with dignity.

The ASRC also operates Australia’s longest-running detention casework service, the Detention Rights Advocacy Program (DRAP), and has supported people subjected to offshore processing since 2001. DRAP currently supports people in detention on Nauru and those who remain in Port

Moresby. Through decades of this direct engagement, the ASRC has deep expertise on Australia's offshore processing regime.

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 2026-27.

Efficient and adequate humanitarian resettlement pathways are critical to ensuring people seeking asylum can reach safety without resorting to dangerous irregular journeys. As global crises intensify, neighbouring countries are hosting ever larger numbers of forcibly displaced people. Those without a resettlement pathway face refoulement or are left with no option but to seek safety in whatever way they can.

For this reason, adequate resettlement pathways are in Australia's interest. Safe, orderly and regular migration reduces the pressure that drives irregular journeys. When people have no safe way to secure safety for their families, they find another way. Ensuring sufficient humanitarian resettlement places is the most effective way to prevent these unsafe journeys.

Recommendations

- **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:** 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.
- **Recommendation 3:** Provide permanent residency to all 'transitory people' living in the Australian community who were previously transferred to an offshore processing centre.
- **Recommendation 4:** Provide additional and adequate humanitarian intakes when global humanitarian emergencies emerge in a consistent, fair, and humane manner.
- **Recommendation 5:** Lift the ban on resettling refugees in Indonesia.
- **Recommendation 6:** Provide family reunion mechanisms to allow dependent family members (including 'aged out' children) to come to Australia.
- **Recommendation 7:** 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 8:** 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 9:** Provide ongoing work 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 10:** 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.
- **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 Australia's Humanitarian Program

Discussion Paper Question 1: *What should the composition of Australia's 2026-27 Humanitarian Program be and why? There are 20,000 places for both onshore and offshore components of the 2026-27 Humanitarian Program and very high demand under all streams. What should be the proportion split between the Refugee and Special Humanitarian Program (including Community Support Program) streams in the offshore component of the Humanitarian Program?*

Increase humanitarian intake

Australia's humanitarian intake has remained at 20,000 places, despite the Labor Party's 2023 election commitment to "progressively increase Australia's government funded humanitarian intake to 27,000 places per year".¹

As noted in the Department's Discussion Paper, 20,000 places are totally inadequate to respond to the 274,000 applicants on hand.² According to this data, **intake is only 7% of applications**. The Department recognises that ongoing global crises and instability are increasing the number of forcibly displaced people and that Australia's Humanitarian Program is not responding to demand.

Other high-income countries accept significantly more refugees than Australia. In 2025, Canada planned to resettle 38,350 refugees,³ whereas Australia's humanitarian intake was set at 20,000. There is additional pressure to increase intake with major funding cuts to the UNHCR,⁴ and the USA's cuts to foreign aid and suspension of humanitarian visas.⁵

It is clear that Australia has the capacity as a high-income country to resettle more refugees. Data from the UNHCR shows that low-and middle-income countries host 71% of the world's refugees.⁶ A larger humanitarian intake is one of the most effective ways to ensure migration to Australia is safe, orderly and regular. When resettlement places are insufficient, the pressure falls on low-income countries that are already hosting disproportionate numbers of displaced people and are not in a position to support them. **People left without pathways** face refoulement or are forced to **seek safety through irregular means**, including dangerous journeys by sea.

There has been much research that shows that cruel policies do not deter people from seeking asylum by boat if there are no other resettlement pathways.⁷ Australia's offshore processing policy

¹ ALP National Platform, 2023, p. 138 <https://www.alp.org.au/media/3569/2023-alp-national-platform.pdf>

² Department of Home Affairs, 2026, p. 1

<https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2026-27-humanitarian-program-discussion-paper.pdf>

³ Government of Canada,

https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/transition-binders/minister-2025-05/refugee-resettlement-complementary-pathways.html?utm_source=chatgpt.com

⁴ UNHCR, 2025,

<https://www.unhcr.org/about-unhcr/planning-funding-and-results/underfunding?dataset=GAP&yearsMode=single&selectedYears=%5B2025%5D&level=OPR&category=ALL&fundingSource=ALS&compareBy=%5B%22level%22%5D&viewType=map&chartType=bar&tableDataView=absolute>

⁵ IRC, 2025, <https://www.rescue.org/article/how-have-trump-policies-impacted-refugees>

⁶ UNHCR, <https://www.unhcr.org/refugee-statistics>

⁷ Kaldor Centre, 2021,

https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_Brief_11_Offshore_Processing.pdf

has not been effective in ending irregular maritime migration as it ignores the reasons why people seek protection.⁸ Historically, most people seeking asylum in Australia by boat have been found to be refugees, **many of whom had no access to safe and legal resettlement pathways.**⁹

The Labor party's National Platform recognises the need to "increase the humanitarian intake of refugees to create an orderly pathway to resettlement in Australia. This would help reduce the risk of people seeking asylum being exploited by people smugglers and provide people seeking asylum with an alternative to boat travel to Australia".¹⁰

People fleeing war or persecution cannot be deterred by a reduced humanitarian intake. When there is no safe and legal pathway, people will find another way. **Insufficient resettlement places do not stop people seeking safety - they push them toward irregular maritime journeys.** A humanitarian program that meets demand as much as possible is the most effective way to ensure migration to Australia is safe, orderly and regular.

Complementary resettlement intake additional to humanitarian program

Complementary resettlement pathways like the Community Support Program (CSP) are important, and intake should be increased. These pathways are designed to provide additional pathways for refugees, and so they should always be **additional to the humanitarian resettlement quota.**¹¹

Members of the diaspora of refugee-producing countries are highly motivated to support extended family members to safety in Australia, as are other community and church-based groups. They should be provided with **the opportunity to fund and support additional places**, rather than having the financial burden of meeting Australia's international obligations shifted to them.

In their National Policy Platform, the Labor party committed to "progressively increase the complementary resettlement intake to 10,000 places per year". This would be "in addition to the government's refugee and humanitarian program".¹²

The Department recognised in the Discussion Paper that the CSP is "heavily oversubscribed, with around 20,000 applicants on hand and an extended wait time of around 8 years".¹³ To address these issues, the Government should fulfil their commitment and **expand complementary resettlement to 10,000 places per annum**, in addition to Australia's overall humanitarian intake. This would help to reduce wait times and achieve Labor's election commitment to "[expand] access to protection for refugees and those with humanitarian need through complementary resettlement pathways".¹⁴

While the complementary resettlement program may never meet demand, the Government has not increased the humanitarian intake or complementary resettlement intake to the **levels they have committed to.** Without increasing the humanitarian intake and ensuring complementary pathways are additional to the humanitarian program, programs like CSP are likely to continue to be heavily oversubscribed with extended wait times. The lack of adequate resettlement pathways

⁸ Jane McAdam, Australia and Asylum Seekers, International Journal of Refugee Law, 25(3), 2013, p. 439.

<https://doi.org/10.1093/ijrl/eet044>

⁹ Kaldor Centre, 2021,

https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Policy_Brief_11_Offshore_Processing.pdf, page 7

¹⁰ ALP National Platform, 2023, p. 136 <https://www.alp.org.au/media/3569/2023-alp-national-platform.pdf>

¹¹ UNHCR, 2020,

<https://www.unhcr.org/sites/default/files/2025-08/tamara-wood-the-role-of-complementary-pathways-in-refugee-protection.pdf>

¹² ALP National Platform, 2023, p. 138 <https://www.alp.org.au/media/3569/2023-alp-national-platform.pdf>

¹³ Department of Home Affairs, 2026, p. 2

<https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2026-27-humanitarian-program-discussion-paper.pdf>

¹⁴ ALP National Platform, 2023, p. 138 <https://www.alp.org.au/media/3569/2023-alp-national-platform.pdf>

makes it more likely that refugees will be forced to resort to irregular migration to seek safety and reunite with their families.

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.

Separate onshore and offshore components

The Government must separate the onshore and offshore components of the Humanitarian Program to reduce strain on these streams. The Australian Government has increased the number of onshore humanitarian visas whilst decreasing the number of refugees being resettled from offshore.¹⁵ The Refugee Council of Australia (RCOA) notes that “**no other resettlement country in the world links their onshore refugee grants with their overseas resettlement places**”.¹⁶

When the onshore protection quota is filled before the end of the financial year, there is a delay in visa grants. Establishing a predetermined onshore protection quota that is totally inadequate to meet demand will create further backlogs in the system.

By reducing the number of places available in the offshore component by the number of onshore protection visas granted, the Government places further strain on the onshore protection component, which is already experiencing visa backlogs. In 2025, there were 28,345 onshore humanitarian program visa applicants awaiting an outcome, and 271,200 offshore visa applicants awaiting an outcome.¹⁷ The median processing time for an onshore protection visa in 2024-25 was 189 days.¹⁸

To improve the efficiency of the Humanitarian Program, the onshore and offshore components must be separated, and the onshore component must be uncapped. This will help to reduce strain on the system and wait times, and allow the Department to meaningfully respond to refugee resettlement needs and arising global crises.

Linking these **two distinct programs** means that fewer resettlement places are available and **wait times are extended**.

Recommendation 2: 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.

¹⁵ RCOA, 2025, p. 18.

<https://www.refugeecouncil.org.au/wp-content/uploads/2025/08/RCOA-Submission-on-the-Humanitarian-Program-2025-26-Final.pdf>

¹⁶ RCOA, 2025,

<https://www.refugeecouncil.org.au/wp-content/uploads/2025/08/RCOA-Submission-on-the-Humanitarian-Program-2025-26-Final.pdf>

¹⁷ SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS SUPPLEMENTARY ESTIMATES, 2025, SE25-0159.

¹⁸ SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS SUPPLEMENTARY ESTIMATES, 2025, SE25-0363.

Permanency for transitory people

Australia's Humanitarian Program must include permanent resolution of status for transitory people, the group of refugees who were transferred to offshore detention after arriving by boat, medically evacuated to Australia, and released into the community on bridging visas. Many have been here for between four and eleven years. There are currently 684 transitory persons living in the community on Bridging Visa E, and a small number in community detention.¹⁹

They have not been resettled elsewhere because, in most cases, it is simply not possible. Resettlement arrangements with the United States and New Zealand are exhausted. Many have Australian-born children, partners they have met here, or family members whose recovery from the serious mental health impacts of offshore detention would be put at risk by another forced relocation.

In the time they have been here, they have rebuilt their lives. They work, attend school, raise families and contribute to their communities. **They are Australian in every way that counts, apart from permanent residency.**

There is no resettlement pathway left available to this group, and the reality is they are remaining here in Australia. Australia's Humanitarian Program should reflect that reality and grant permanent Resolution of Status visas to all transitory people without further delay.

Recommendation 3: Provide permanent residency to all 'transitory people' living in the Australian community who were previously transferred to an offshore processing centre.

Global crises response

The Department recognises that ongoing global crises and instability continue to increase levels of displacement, and that "longer-term policy settings" are needed to ensure the Humanitarian Program provides resettlement pathways to those in need.²⁰ To deliver adequate, efficient and equitable responses to global crises, the Government must establish an emergency protection framework to ensure the long-term effectiveness of Australia's Humanitarian Program.

As recommended by the Kaldor Centre for International Refugee Law, the Australian Government must establish an "overarching decision-making framework to enable it to deliver a **swift, considered, equitable, well-coordinated and effective emergency response**" to global humanitarian crises. This framework would provide the Government with a streamlined and pre-determined response to global crises rather than ad hoc and hastily devised reactive policies.²¹

Establishing an emergency protection framework would **ensure that the Government responds to humanitarian crises consistently, supporting social cohesion** in Australia. The Government's response to humanitarian crises in Afghanistan, Sudan, Ukraine and Gaza has differed each time, and afforded people varying levels of safety and support. There is much community concern regarding the different humanitarian responses the Australian Government has

¹⁹ SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS SUPPLEMENTARY ESTIMATES, 2025, SE25-0164.

²⁰ DHA, 2026, p. 1, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2026-27-humanitarian-program-discussion-paper.pdf>

²¹ Kaldor Centre for International Refugee Law, 2024, <https://www.unsw.edu.au/content/dam/pdfs/law/kaldor/2024-09-policy-brief-15-emergency-protection.pdf>

enacted for different crises, with these seemingly dictated more by political imperatives than by humanitarian need.

Most recently, the Government created new legislation to prevent people from certain countries on temporary visas from coming to Australia, following the outbreak of war in the Middle East.²² This legislation was used to prevent the entry of visitor visa holders from Iran.²³ In contrast, in response to the outbreak of war in Ukraine, the Government granted over 11,500 Temporary Humanitarian Concern visas (subclass 786) to Ukrainian nationals.²⁴ This raises concerns about the different responses to different humanitarian crises,²⁵ which can damage social cohesion.

Differences in past responses are exemplified in visa grant rates. In 2024, Australia granted 2,564 visitor visas to Palestinians,²⁶ with Senate Estimates revealing that 7,637 Palestinians have had their visa applications refused.²⁷ Between April-July 2022, Australia accepted 4,877 Ukrainians fleeing war and rejected less than 5.²⁸

This is also demonstrated in the different types of visas and support given to different groups of people seeking asylum. The Government granted Temporary Humanitarian Concern visas (subclass 786) to Ukrainian nationals, which allowed people to access mainstream social support, including Medicare.²⁹ By contrast, people seeking asylum from Sudan on temporary visas in Australia do not have access to a financial safety net, housing support and childcare subsidies and urgently require temporary humanitarian stay arrangements.³⁰

This ad hoc and reactive response to global crises creates inconsistent and uneven support for different groups of people seeking asylum. Australia must follow the example of other countries, such as Canada, which is developing a Humanitarian Crisis Response Framework to enable more consistent, equitable and efficient future responses to humanitarian emergencies.³¹ A more equitable response to global crises would support social cohesion in our communities.

When an additional humanitarian intake is established in response to global crises, this must also be adequate to meet demand. Between 2021-24, Australia granted less than 20,000 Afghan refugees humanitarian visas, which was approximately just 7% of those who applied.³² Whilst Canada granted an additional 40,000 humanitarian visas, and the US offered close to 100,000 humanitarian visas for people from Afghanistan.³³

Australia has the capacity to provide equitable, adequate and efficient responses to humanitarian crises. By establishing an emergency protection framework, the Department can ensure the **long-term effectiveness and sustainability of the Humanitarian Program.** This will

²² ABC News, 2026,

<https://www.abc.net.au/news/2026-03-10/new-laws-to-temporarily-ban-travellers-from-certain-countries/106437588>

²³ ABC News, 2026, <https://www.abc.net.au/news/2026-03-26/iran-travel-ban-thousands-visitor-visa-blocked-australia/106497068>

²⁴ Department of Home Affairs, Ukraine visa support, March 2024,

<https://www.homeaffairs.gov.au/help-and-support/ukraine-visa-support>

²⁵ WA Today, 2026,

<https://www.watoday.com.au/politics/federal/time-for-government-to-lift-its-game-on-iranian-refugees-20260317-p5ob52.html>

²⁶ Refugee Council of Australia, 2024, <https://www.refugeecouncil.org.au/humanitarian-visas-palestinians-and-israelis/>

²⁷ Senate Legal and Constitutional Affairs Committee, 2025 Additional estimates February, AE25-309.

²⁸ Senate Legal and Constitutional Affairs Committee, 2024 Budget estimates May, BE24-0093.

²⁹ Department of Home Affairs, Ukraine visa support, March 2024,

<https://www.homeaffairs.gov.au/help-and-support/ukraine-visa-support>

³⁰ RCOA, 2025,

<https://www.refugeecouncil.org.au/wp-content/uploads/2025/08/ROA-Submission-on-the-Humanitarian-Program-2025-26-Final.pdf>

³¹ Kaldor Centre for International Refugee Law, 2024,

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

³² Department of Home Affairs, <https://www.homeaffairs.gov.au/help-and-support/afghanistan-update>

³³ The Lowy Institute, <https://www.loyyinstitute.org/the-interpretor/where-did-afghan-refugees-go-where-next>

support social cohesion and help to facilitate safe, orderly and regular migration for all people seeking asylum in response to rising global conflicts.

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

Lift the ban on resettling refugees in Indonesia

The composition of Australia's Humanitarian Program should include the resettlement of people seeking asylum stuck in Indonesia. The Government must lift the Morrison-era ban on resettling refugees who registered with UNHCR in Indonesia after 2014 to ensure a fair and efficient Humanitarian Program.

The Department acknowledges in the Discussion Paper the ongoing global instability and increased demand for places under the Humanitarian Program.³⁴ Banning refugees in Indonesia from resettling in Australia **has not reduced demand for resettlement and only forced refugees and people seeking asylum to live in limbo in Indonesia** without work rights or pathways to resettlement. This deterrence policy does not address the reasons people are forced to seek asylum and only **exacerbates instability in the region**.

As of 2022, there were 13,700 refugees stranded in Indonesia, with many unable to access any pathways to resettlement or durable solutions.³⁵ Indonesia is not a signatory to the UN Refugee Convention and does not allow refugees and people seeking asylum to work. Children from families seeking asylum have limited access to healthcare and education.³⁶ Many people have been stuck in Indonesia awaiting resettlement for over a decade.

Without work rights, some have sought irregular work, which makes them vulnerable to exploitation, slavery and deportation. Many face significant mental health issues, and at least 13 people have died from suicide or other causes like homelessness.³⁷ This ban on resettling refugees in Indonesia has not reduced demand for resettlement and only **exacerbates people's trauma, which reduces their capacity to engage in the resettlement process and makes successful settlement outcomes more difficult**.

Australia is one of the wealthiest and most stable countries in a region where most nations have neither the resources nor the legal frameworks to provide lasting protection to displaced people. Countries like Indonesia, Malaysia and Thailand host significant numbers of refugees and people seeking asylum with no formal system to recognise them, no work rights, and no pathway to permanency. The burden of hosting displaced people is currently falling on countries far less equipped to carry it than we are. When people are left without protection or pathways in the region, the pressure to find another way builds. **People who cannot access safety through regular means are more likely to attempt irregular journeys, including by sea.**

Increasing Australia's regional resettlement contribution is not just the right thing to do; it is also

³⁴ DHA, 2026, p. 1, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2026-27-humanitarian-program-discussion-paper.pdf>

³⁵ RCOA, 2022,

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

³⁶ ABC, 2024, <https://www.abc.net.au/asia/refugees-in-indonesia-have-spent-years-awaiting-resettlement/104007468>

³⁷ RCOA, 2022,

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

the **most effective way to reduce the conditions that drive irregular maritime migration.**

Recommendation 5: Lift the ban on resettling refugees in Indonesia.

Family reunification

Discussion Paper Question 2: *Who should the Government prioritise within the Special Humanitarian Program (SHP)? Should existing priorities change? Should there be changes to who can sponsor an applicant? Should proposers carry greater responsibility for providing settlement support to those they sponsor?*

Provide accessible pathways to family reunion

Providing accessible and affordable pathways to family reunion will **reduce pressure on the Humanitarian Program** and ensure people are not forced to rely on this program for family reunification. It is almost impossible for many refugees in Australia to reunite with their families due to prohibitive costs and narrow definitions of family that exclude extended family members and 'aged out' children (over 18 years) from applying.³⁸

The existing Special Humanitarian Program (SHP) priorities should remain the same.³⁹ However, waiving prohibitive visa fees on family stream visas could reduce reliance on the Humanitarian Program. In the Discussion Paper, the Department acknowledges the need for "diversifying offshore resettlement pathways".⁴⁰ Family stream visas can be a complementary pathway for humanitarian resettlement.⁴¹ By making family stream visas affordable for refugees, the Department can **diversify resettlement pathways and reduce pressure on the Humanitarian Program.**

Amendments must also be made to the narrow definitions of 'family' that prevent many refugees from being eligible for family reunification. Restrictive definitions of 'family unit' and 'immediate family' in the Migration Regulations 1994 (Cth) exclude some people from the split family priority in the SHP. Children who have turned 18 while waiting for their protection visa to be processed are not eligible and can become **permanently separated** from their families.⁴²

The Minister for Home Affairs can amend the Migration Regulations to remove the age criteria for dependent applicants, ensuring children do not 'age out' from eligibility. This will help to ensure that families are not forced to use the Humanitarian Program and other pathways to reunite with their children.

The Department must also commit sufficient resources to address the backlog of family reunion visas. As of March 2026, just 50% of Child visas (subclass 101) were processed in 20 months,⁴³ and 50% of Partner visas (subclass 100) were processed in 10 months.⁴⁴ ASRC 2025 consultations

³⁸ Asylum Seeker Resource Centre, 2022-2025 Budget Priorities, p. 6.

³⁹ DHA, <https://immi.homeaffairs.gov.au/what-we-do/refugee-and-humanitarian-program/the-special-humanitarian-program>

⁴⁰ DHA, 2026, p. 1, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2026-27-humanitarian-program-discussion-paper.pdf>

⁴¹ <https://www.unhcr.org/sites/default/files/2025-08/tamara-wood-the-role-of-complementary-pathways-in-refugee-protection.pdf>

⁴² See Migration Regulations 1994 (Cth), reg 1.12 and 1.12AA.

⁴³ <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/global-visa-processing-times>

⁴⁴ <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/global-visa-processing-times>

with refugees and people seeking asylum showed that family reunion was the **third most reported issue**.

Question 2 of the Discussion Paper asks whether proposers should carry greater responsibility for providing settlement support to those they sponsor.⁴⁵ This would place **undue pressure on refugees trying to sponsor their family members to come to Australia, who have often experienced trauma and are trying to resettle themselves**. Without government-funded support, people will be less likely to successfully resettle.

Making family members reliant on each other and not eligible for other support is also a **significant risk factor for family violence**. Mental illness and economic hardship are risk factors for family and domestic violence, and financial dependence prevents victim-survivors from receiving support.⁴⁶ In cases of violence in families applying for protection visas, ASRC lawyers regularly see victim-survivors on temporary visas trapped in violent situations due to ineligibility for other support. Victim-survivors are deterred from reporting incidents due to fear of adverse visa implications and violence as a form of retribution for disclosure. This same situation is likely to occur where refugees are reliant on family for financial support as a result of being sponsored.

It is the government's responsibility to support refugees resettling in Australia. This will help to achieve **better long-term settlement outcomes, benefitting refugees, their families and the Australian community**. To "strengthen outcomes for refugees and humanitarian entrants",⁴⁷ the Department must provide adequate settlement support and ensure that refugee families are not forced to fill this gap.

By making family reunification affordable and accessible for refugees, the Department can reduce reliance on the Humanitarian Program. Children over 18 should be eligible for family reunification to ensure families are not permanently separated. **A common reason for people turning to irregular migration is that they have no other way to reunite with their families**. Fair and efficient pathways to family reunification are critical to ensuring strong resettlement outcomes - as all families deserve to be together.

Recommendation 6: Provide family reunion mechanisms to allow dependent family members (including 'aged out' children) to come to Australia.

Fair and efficient protection visa processing

Discussion Paper Question 5: *Are there other reforms you would suggest to program eligibility or prioritisation, or to the onshore protection and/or offshore program more broadly?*

Inefficient processing system

The Department must invest sufficient resources to ensure Australia's Humanitarian Program is fair and efficient. Reforms must be made to address processing inefficiencies, a lack of procedural fairness, protracted delays and the severe impact this has on people's lives.⁴⁸

⁴⁵ DHA, 2026, p. 2, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2026-27-humanitarian-program-discussion-paper.pdf>

⁴⁶ Australia Institute of Health and Welfare, 2026, <https://www.aihw.gov.au/family-domestic-and-sexual-violence/understanding-fdsv/factors-associated-with-fdsv#data>

⁴⁷ DHA, 2026, p. 2, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2026-27-humanitarian-program-discussion-paper.pdf>

⁴⁸ For more information refer to the ASRC policy position on Fairness.

In 2024-25, the median processing time for an initial decision on a Protection visa was 189 days.⁴⁹ ASRC lawyers regularly see cases where it takes 1-3 years for an applicant to be invited to a Department interview, and if they are found to be owed protection, it can take another year for a protection visa to be granted.⁵⁰ If a person's application is refused by the Department, they can seek review before the tribunal and the courts, which experience significant delays. This means that some people seeking asylum wait over a decade for a final Protection visa outcome.

This is particularly devastating for people seeking asylum on bridging visas without the right to work or access social support, who are **forced into destitution while they wait for their visa outcome**.⁵¹ Living on temporary visas in uncertainty **exacerbates poor mental health and worsens settlement outcomes** and people's ability to engage in the refugee determination process.

In their 2023 National Platform, the Labor party recognised the need for the processing of protection claims to 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".⁵² In their 2021 National Platform, Labor had committed to introducing the '90 day rule' into the Migration Act - that is, requiring that refugee status determinations are completed within 90 days,⁵³ but this was removed in the 2023 platform. The '90 day rule' should be legislated to ensure that protection claims are processed quickly and efficiently.

Barriers to procedural fairness

In their National Platform, the Labor party committed to ensuring "[t]he assessment and review of protection claims will be underpinned by robust, efficient and transparent processes that ensure fair and consistent outcomes". However, certain legislation creates barriers to procedural fairness for refugees and people seeking asylum. This **disproportionately impacts the most disadvantaged groups in our community**, such as people experiencing domestic violence, and must be reformed.

Merits Review

Section 367A in the Migration Act requires the Administrative Review Tribunal (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 delay.⁵⁴

Refugees and people seeking asylum have valid reasons for delays in providing updated evidence and claims, including family violence, language barriers, trauma, mental illness, labour exploitation or trafficking, inability to engage with legal representation and challenges obtaining documents from their country of origin, where they experienced persecution.

The legislation does not provide any clarification on what constitutes a 'reasonable explanation', and there is no guarantee the ART would accept these explanations. This will likely disadvantage Protection visa applicants and cause unfair outcomes. There is no reason to include this requirement in s 367A of the Migration Act, as Tribunal members already have the power to assess any delay as part of an applicant's credibility.

⁴⁹ SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS, OCTOBER 2025, SE25-0363

⁵⁰ For more information refer to the ASRC policy position on Fairness.

⁵¹ For more information refer to the ASRC policy position on Safety.

⁵² ALP National Platform, 2023, p. 139 <https://www.alp.org.au/media/3569/2023-alp-national-platform.pdf>

⁵³ ALP National Platform 2021, p. 124 <https://alp.org.au/media/2594/2021-alp-national-platform-final-endorsed-platform.pdf>

⁵⁴ Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Bill 2023 (Cth) sch 2 item 160.

Mindy's Story (not her real name)

Mindy came to Australia on a student visa. She applied for a protection visa as she was fearful of domestic violence from her family. Mindy is lesbian, however, she was afraid and ashamed to disclose this to the Department, especially as she was worried her family might find out.

Mindy's protection visa was refused by the Department, and she sought review before the Tribunal. Mindy accessed pro bono legal representation and received legal advice about raising protection claims regarding her sexuality.

However, the Tribunal was required to draw an unfavourable inference against Mindy when she raised her sexuality claims for the first time, which unfairly disadvantaged Mindy and led to an unjust outcome.

Furthermore, the ART is restrained by legislation (s 347(5) of the Migration Act) from being able to extend deadlines for reviewable migration and protection decisions. This unfairly disadvantages migrants and protection applicants, and is **discriminatory** as the ART has the power to extend deadlines for non-migration applications. Refugees and people seeking asylum often face additional barriers to seeking review within the standard 28-day timeframe, including immigration detention, serious mental or physical illness, language barriers, inability to engage legal representation and other unforeseen circumstances (e.g. fraudulent migration agent), and should have the ability to request an extension of their deadline to seek review.

The ASRC often assists Protection visa applicants who have missed their ART deadline to seek review for legitimate reasons 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 most people, or to seek personal intervention from the Minister.

Recommendation 7: 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.

Legal assistance

In the Discussion Paper, the Department raised concerns about high demand, wait times and ensuring Australia's Humanitarian Program is sustainable in the long-term.⁵⁵ Providing free legal assistance would help to address these issues and improve settlement outcomes for refugees.

The lack of committed, ongoing government-funded legal assistance severely restricts people seeking asylum's ability to engage with the complex visa application process and obtain fair outcomes. Access to free legal advice throughout the refugee determination process would improve processing at the Department and review stages, and reduce wait times.

Research shows that people seeking asylum with legal representation are 7 times more likely to receive a positive outcome from the review tribunal than those who represent themselves.⁵⁶ This

⁵⁵ DHA, 2026, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2026-27-humanitarian-program-discussion-paper.pdf>

⁵⁶ The Conversation, 2020, <https://theconversation.com/how-refugees-succeed-in-visa-reviews-new-research-reveals-the-factors-that-matter-131763>

study showed that only 4% of unrepresented applicants were successful at the Administrative Appeals Tribunal (AAT), and 52% did not have representation when they appeared before the AAT.

In their National Platform, the Labor party committed to ensuring “people seeking asylum have access to appropriate, independent, government- funded legal advice while working through their claims for protection”.⁵⁷ Although the government committed \$160 million to address visa processing delays, including \$48 million for legal representation for protection visa applicants, the ASRC legal team continues to experience **high demand for free legal advice**, making it clear that there is a significant unmet need.

To ensure a fair and efficient Humanitarian Program, the Government must provide legal assistance to those engaged in the refugee determination process. This is especially relevant for people seeking asylum who experience additional barriers, such as those in detention.

Recommendation 8: 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 and study rights

Processing delays in Australia’s Humanitarian Program are especially devastating for people seeking asylum on bridging visas who cannot work, study or access social supports while awaiting the outcome of their Protection visa application, which can take over a decade. This **forces people into destitution and jeopardises settlement outcomes** and their ability to engage in the refugee determination process.

The bridging visa conditions that prevent a person from working are condition 8101 (no work). 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 change these conditions and allow people to work.

As of August 2025, there were 9,236 Bridging Visa E (subclass 050 and 051) (BVE) holders who were subject to condition 8101 (no work). There were also 8,628 BVE holders without work rights and who were not boat arrivals and were not eligible for Medicare.⁵⁸ This forces people seeking asylum into destitution and **prevents them from contributing to Australia’s economy**.

Case study

Sadik arrived in Australia from Iran in 2013 and applied for refugee protection. A qualified plumber with years of experience, he was eager to work and contribute. Instead, he spent years on a bridging visa without work rights, unable to earn an income or continue his trade. When he finally gained work rights, Sadik enrolled in a plumbing apprenticeship, determined to have his skills recognised. But soon after, his work rights were revoked, and he was forced to withdraw.

Eventually, Sadik regained work rights, completed Recognition of Prior Learning, and secured his Australian plumbing registration. Today, he owns and operates a

⁵⁷ DHA, 2026, p. 140, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2026-27-humanitarian-program-discussion-paper.pdf>

⁵⁸ SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS, OCTOBER 2025, SE25-0451.

successful plumbing business - an example of the potential unlocked when barriers are removed.

Many people seeking asylum on bridging visas also have **no right to study at higher education institutions** due to visa Conditions 8201 and 8207, which limit their study rights to 3 months and prohibit the right to study, respectively.

Of the people with study rights that ASRC supported to enrol in education courses in 2024-25, the top three industries were aging and disability, healthcare, and early childhood education - all of which are experiencing skills shortages.⁵⁹

For those who do have the right to study, affordability can be a barrier, as people seeking asylum and refugees with temporary visas, including temporary protection visas, are **not eligible for any type of government loan for university**. People seeking asylum must pay the full international student payment,⁶⁰ which is about **400% more** than domestic fees. This policy creates an insurmountable barrier to refugees pursuing their studies at university.

Recommendation 9: Provide ongoing work 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.

Access to social support

Whilst people seeking asylum await their Protection visa outcome, many are prevented from accessing Centrelink, Medicare, NDIS, income or housing support. Some people receive government welfare support called Status Resolution Support Services (SRSS). However, restrictive eligibility criteria mean that very few people seeking asylum can access SRSS. As of October 2025, 1,865 people were receiving SRSS, which is approximately 3% of all people awaiting a Protection visa outcome.⁶¹

Furthermore, the amount people on SRSS receive is inadequate at just 89% of the current Services Australia JobSeeker Payment. This is approximately \$43.90 per day for people with independent accommodation and \$26.46 per day if accommodation is provided and funded by the Department.⁶² This amount does not reflect the increasing cost-of-living pressures mentioned in the Department's Discussion Paper,⁶³ and **forces people to live below the poverty line**.

Without work rights, welfare support or adequate SRSS, people seeking asylum are **forced to rely on state-funded services or community organisations**, which are already struggling to meet demand. People seeking asylum without Medicare often present to emergency departments with illnesses to receive care. In 2024-25, the ASRC provided over **20,000 nights of shelter** for people seeking asylum, which was significantly less than the demand for housing support.

⁵⁹ Occupation Shortage Report, 2025, <https://www.jobsandskills.gov.au/publications/occupation-shortage-report-march-2025>

⁶⁰ ASRC, 2023, <https://asrc.org.au/wp-content/uploads/2023/03/ASRC-Submission-The-extent-and-nature-of-poverty-in-Australia-2.pdf>

⁶¹ SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS SUPPLEMENTARY ESTIMATES, OCTOBER 2025, SE25-0160.

⁶² SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS SUPPLEMENTARY ESTIMATES, OCTOBER 2025, SE25-0162.

⁶³ DHA, 2026, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2026-27-humanitarian-program-discussion-paper.pdf>

Recommendation 10: 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.

End offshore processing and resettle people in offshore detention

In the Discussion Paper, the Department mentioned that “increasing operational costs, cost-of-living pressures are affecting the sustainability of settlement support”.⁶⁴ However, the Department continues to spend an exorbitant amount of public money on offshore detention, contracting private companies involved in corruption allegations and the violation of human rights.

In the 2025-26 budget, the Department set aside over \$975 million for offshore processing.⁶⁵ This is approximately \$88 million per person detained on Nauru at the time.⁶⁶ Data from AusTender shows that since 2022, the Government has paid major service providers on Nauru over \$2.7 billion, a 2790% increase from the originally contracted cost. Prior to 2022, the Government paid major service providers in Papua New Guinea (PNG) over \$2.8 billion, a 36% increase from the original cost. The Government continues to extend and increase contracts without review to ensure these are value for money. The Australian National Audit Office has consistently found “shortcomings” in the Department’s “procurement processes” and management of contracts.⁶⁷

The Government has spent an exorbitant amount of taxpayer money contracting private providers to deliver services in offshore processing that people seeking asylum never receive. In 2019 and 2018, the Department paid external contractors over \$400 million to provide health services on Nauru⁶⁸ and PNG,⁶⁹ respectively, yet people seeking asylum experienced medical neglect and inadequate healthcare, with children reporting suicidality and self-harm.

In 2019 and 2014, over \$5 billion was spent providing security and welfare services on Nauru⁷⁰ and PNG,⁷¹ and yet people seeking asylum did not receive adequate food, water or shelter. Many women experienced sexual abuse, including by private service providers who were paid to protect them.

In recent years, staggering amounts of public money have been given to private contractors whilst people seeking asylum on Nauru struggle to survive on \$260 a fortnight and have no access to safe drinking water without boiling. In 2024, of the people the ASRC was working with, 100% of the refugees in PNG, and 65% of people held in Nauru, suffered from physical health conditions.⁷² 95% of the people the ASRC worked with on Nauru reported mental health concerns, including suicidality.

⁶⁴ DHA, 2026, p. 1, <https://www.homeaffairs.gov.au/reports-and-pubs/PDFs/2026-27-humanitarian-program-discussion-paper.pdf>

⁶⁵ DHA, 2026, <https://www.homeaffairs.gov.au/reports-and-pubs/Budgets/2025-26-home-affairs-paes-full-version.pdf>

⁶⁶ SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS, OCTOBER 2025, SE25-0370

⁶⁷ ANAO, 2025, <https://www.anao.gov.au/work-program/portfolio/home-affairs>

⁶⁸ AusTender, 2019, <https://www.tenders.gov.au/Cn/Show/bd25dad7-5443-4109-8243-82aec3bfa593>

⁶⁹ AusTender, 2018, <https://www.tenders.gov.au/Cn/Show/06e9a388-d32f-e89e-1b15-ba07634f8dda>

⁷⁰ AusTender, 2019, <https://www.tenders.gov.au/Cn/Show/4e3090fc-05e0-420c-988c-d12cfd5b80a>

⁷¹ AusTender, 2014, <https://www.tenders.gov.au/Cn/Show/1013ccbe-92a3-d1d4-722e-c39fcbf61b39>

⁷² ASRC, 2024,

https://assets.nationbuilder.com/asrccampaigns/pages/3472/attachments/original/1721280178/ASRCreport_Healthcrisisinoffshoredetenti_on_July2024.pdf?1721280178

"When we first came to Nauru we were healthy. The longer we are here, the more sick we become and we cannot get treatment here on Nauru. We cannot afford to eat three meals a day. There is no resettlement for us. We are scared and we don't know what will happen to us." - Anonymous person seeking asylum, currently in Nauru.

In the Discussion Paper, the Department raises concerns regarding increasing operational costs and cost-of-living pressures reducing the capacity of Australia's Humanitarian Program. And yet **billions of taxpayer dollars have been spent on offshore processing, without sufficient oversight, on services that people seeking asylum never received.**

Recent offshore processing arrangements also raise serious concerns regarding transparency and the mismanagement of public funds. In August 2025, a Finks bikie gang leader was awarded \$40 million in security and policing contracts. The Albanese Government also recently committed at least \$2.5 billion in taxpayer funds to the Nauruan Government to accept deported people affected by the High Court's NZYQ ruling, with no publicly available information about the details of the deal.

To achieve a fair and efficient Humanitarian Program, the Government must end offshore processing. Exorbitant amounts of public money is spent keeping people in offshore detention. Private contractors are paid billions without sufficient oversight, whilst people seeking asylum receive wholly inadequate services and suffer human rights abuses. **These funds would be better spent improving Australia's humanitarian processing system.**

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.

Conclusion

The recommendations in this submission will help to address the issues raised in the Department's Discussion Paper and improve the efficiency, fairness and future sustainability of Australia's Humanitarian Program.

Australia's Humanitarian Program will continue to be oversubscribed with extended delays if it does not adequately meet demand. With increasing global crises, Australia's humanitarian intake cannot continue to accept only 7% of applicants and ignore our international obligations.

Making family reunion affordable and providing government-funded legal assistance are some ways the Department can reduce pressure on the Humanitarian Program and processing delays, whilst ensuring the best resettlement outcomes for refugees and people seeking asylum.

Cost-of-living pressures are being felt by every Australian. The Federal Government cannot cut settlement support and expect sponsors, state governments and community organisations to fill this gap, whilst simultaneously spending billions of taxpayer dollars on offshore processing without sufficient oversight or transparency.

Policies of deterrence have proven to be ineffective. Increasing humanitarian and complementary intake and making family reunification accessible will ensure there are sufficient resettlement pathways and that people seeking asylum are not forced to use irregular maritime migration to reach safety for themselves and their families.