



Law Council
OF AUSTRALIA

Australia's Humanitarian Program 2025–26

Department of Home Affairs

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About the Law Council of Australia

The Law Council of Australia represents the legal profession at the national level; speaks on behalf of its Constituent Bodies on federal, national, and international issues; promotes and defends the rule of law; and promotes the administration of justice, access to justice and general improvement of the law.

The Law Council advises governments, courts, and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world. The Law Council was established in 1933, and represents its Constituent Bodies: 16 Australian State and Territory law societies and bar associations, and Law Firms Australia. The Law Council's Constituent Bodies are:

- Australian Capital Territory Bar Association
- Law Society of the Australian Capital Territory
- New South Wales Bar Association
- Law Society of New South Wales
- Northern Territory Bar Association
- Law Society Northern Territory
- Bar Association of Queensland
- Queensland Law Society
- South Australian Bar Association
- Law Society of South Australia
- Tasmanian Bar
- Law Society of Tasmania
- The Victorian Bar Incorporated
- Law Institute of Victoria
- Western Australian Bar Association
- Law Society of Western Australia
- Law Firms Australia

Through this representation, the Law Council acts on behalf of more than 104,000 Australian lawyers.

The Law Council is governed by a Board of 23 Directors: one from each of the Constituent Bodies, and six elected Executive members. The Directors meet quarterly to set objectives, policy, and priorities for the Law Council. Between Directors' meetings, responsibility for the policies and governance of the Law Council is exercised by the Executive members, led by the President who normally serves a one-year term. The Board of Directors elects the Executive members.

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- Ms Juliana Warner, President
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The Chief Executive Officer of the Law Council is Dr James Popple. The Secretariat serves the Law Council nationally and is based in Canberra.

The Law Council's website is www.lawcouncil.au.

Acknowledgements

The Law Council thanks the Migration Law Committee of its Federal Dispute Resolution Section, the Law Institute of Victoria, and the Law Society of New South Wales for their input into this submission.

Executive summary

1. The Law Council thanks the Department of Home Affairs (**Department**) for the opportunity to make a submission in response to its *Discussion Paper—Australia’s Humanitarian Program 2025–26 (Discussion Paper)*.
2. The Law Council welcomes the overall vision set out in the Discussion Paper, and the Australian Government’s commitment to increase humanitarian protection generally, in line with global need. The Law Council also welcomes the recent introduction of moving humanitarian visas to online where there is a proposer.
3. In the context of overall immigration spending and the proposal in the Discussion Paper to keep the overall size of the Humanitarian Program at 20,000 places, we believe more could be done to address the significant demand arising from current global crises. To show leadership in refugee resettlement and maintain the generosity of the Humanitarian Program in the face of growing global need, the Law Council recommends that:
 - the (offshore) refugee resettlement portion of the Humanitarian program be increased to keep pace with global resettlement needs;
 - the Humanitarian Program be adequately funded to ensure that all allocated visas are granted in a timely manner, and to assist those who hold valid visas to enter Australia;
 - a better service be provided to those who apply for Humanitarian visas, including responding to emails and also providing more realistic feedback to applicants and proposers on their prospects of being successful;
 - the Humanitarian Program be sufficiently flexible to adapt to changing global circumstances;
 - resettlement figures and the Community Support Program be disaggregated from the general Humanitarian Program so that Australia’s contribution to addressing the global refugee crisis is not obscured;
 - the Skilled Refugee Labour Agreement Pilot be properly established, expanded and resourced; and
 - ImmiCards be issued expeditiously for those who do not hold valid passports or other travel documents.
4. In our view, these changes would significantly improve the Humanitarian Program for 2025–26. They would align the program better with global need and the Australian Government’s goal of a ‘generous and flexible Humanitarian and Settlement Programs that meet Australia’s international protection obligations’.¹ They would also help to position Australia as a global leader in international resettlement efforts.

¹ Discussion Paper at 2.

Background

5. The Law Council appreciates the Australian Government's annual consultations on the Humanitarian Program, and has provided submissions on the program dating back to 2017–18.² The Law Council has consistently advocated an increase in the program's size to at least 20,000 per annum consistent with the Report of the Expert Panel on Asylum Seekers published in 2012.³
6. According to United Nations High Commission for Refugees' (UNHCR) *Projected Global Resettlement Needs 2026* report, worldwide resettlement needs are likely to fall slightly from 2025. Global refugee resettlement needs are projected to decrease from 2.9 million to 2.5 million, mostly because of a lower refugee outflow from Syria to Türkiye.⁴ However, the number of refugees in the Asia-Pacific region is expected to rise to 807,000⁵ from a projected 776,500 in 2025.⁶
7. The Discussion Paper acknowledges the increase in 'scope, scale and complexity' of refugee-producing situations around the world, but does not propose any commensurate increase in the size of the Humanitarian Program for 2025–26.⁷ As a result, the program is relatively less generous with each passing year. This is also evident in the Refugee Council of Australia's resettlement statistics over time.⁸
8. The UNHCR, in its *Global Trends Report* for 2024, reported as follows:

Just four countries accounted for 94 per cent of all resettlement arrivals in 2024, including those arriving through sponsorship pathways. The United States of America received the largest number of resettled refugees (105,500), with the majority originating from the Democratic Republic of the Congo (18,800) Afghanistan (17,000), Venezuela (14,500), Syria (10,400) and Myanmar (8,900). Canada resettled 49,300 refugees, primarily from Eritrea (15,500), Afghanistan (8,900), Syria (6,600) and Somalia (4,900). Just over 17,200 resettled refugees arrived in Australia, 6,300 of whom were from Afghanistan and 2,100 from Syria. Germany welcomed 5,600 refugees, with most from Syria (2,900) and Afghanistan (1,000).⁹

9. In its 2023 National Platform, the Australian Government indicated that it 'believes Australia should show global leadership in refugee resettlement, and supports a generous, non-discriminatory Australian humanitarian program'.¹⁰

² Law Council, Australia's Humanitarian Program – [Submission for 2017-18](#); [Submission for 2018-19](#); [Submission for 2021-22](#); [Submission for 2022-23](#); [Submission for 2023-24](#); [Submission for 2024-25](#).

³ See eg Law Council, 2023-24 Submission (Attachment, p 1), referring to Air Chief Marshal Angus Houston AC, AFC (Ret'd), Paris Aristotle AM and Professor Michael L'Estrange AO, *Report of the Expert Panel on Asylum Seekers* (August 2012). <<https://apo.org.au/sites/default/files/resource-files/2012-08/apo-nid30608.pdf>>.

⁴ UNHCR, *2026 Projected Global Resettlement Needs*, 24 June 2025.

<<https://www.unhcr.org/publications/2026-projected-global-resettlement-needs-pgrn>>

⁵ Ibid.

⁶ UNHCR, *Projected Global Resettlement Needs 2025*, <<https://www.unhcr.org/media/projected-global-resettlement-needs-2025>>, 5.

⁷ Discussion Paper at 6.

⁸ Refugee Council of Australia, *Global Resettlement Statistics*: <<https://www.refugeecouncil.org.au/global-resettlement-statistics/5>>.

⁹ United Nations High Commission for Refugees, *Global Trends: Forced Displacement in 2024* at 54. <<https://www.unhcr.org/global-trends-report-2024>>

¹⁰ ALP National Platform 2023, <<https://www.alp.org.au/media/3569/2023-alp-national-platform.pdf>>, 133.

10. While Australia’s contribution to global resettlement remains generous compared to that of like-minded nations such as the UK, Germany and France, those nations receive more refugees by other means, and host many more in proportion to their populations.¹¹

Recommendation

- **The overall size of the Humanitarian Program should increase in line with global need, as reflected in UNHCR statistics.**
- **The Humanitarian Program should be increased to 27,000 places, in line with the Australian Government’s pre-election commitment.**

Global need in 2025–26

11. The Humanitarian Program should be both transparent and accountable given that the Australian Government works on the Program in collaboration with local communities and local community service and support organisations. In particular, there should be a fair, consistent and transparent approach to the way in which humanitarian intakes during emergencies are considered, whether this is in Ukraine, Afghanistan, Palestine, Myanmar or elsewhere.
12. The Law Council welcomes the \$160 million package, over two years, of investments in the Protection Visa (**PV**) system to ensure it continues to serve its intended purpose.¹²
13. However, funding for the Humanitarian Program is only a small fraction of that spent on compliance and deterrence measures (including Operation Sovereign Borders and the immigration detention network). In the 2025–26 Budget, the administered expenses for the Refugee, Humanitarian Settlement and Migrant Services program is \$643,773,000. On the other hand, the same figure for UMA Offshore Management is \$540,067,000, while Onshore Compliance and Detention is allocated \$996,014,000.¹³ Given these facts, and the proposal to keep the overall size of the Humanitarian Program static, Australia could do more to address these emerging refugee-producing situations by expanding the offshore component.

Afghanistan

14. The Law Council continues to support the commitment to allocate 26,500 places for Afghan nationals in the four years to 2025–26.¹⁴ However, there should be an increase in humanitarian places for Afghans impacted by the fall of Afghanistan to the Taliban in 2021.

¹¹ Refugee Council of Australia, *A Global Snapshot of Resettlement and Complementary Pathways*, Figures 1.1 – 1.3, 68-70. <https://www.refugeecouncil.org.au/wp-content/uploads/2024/03/Resettlement-and-Comp-Pathways-Global-Snapshot_FINAL.pdf>

¹² Discussion Paper at 5.

¹³ Department of Home Affairs, *Entity Resources and Planned Performance*, 2025.

<<https://www.homeaffairs.gov.au/reports-and-pubs/Budgets/2025-26-home-affairs-pbs-department-of-home-affairs.pdf>>

¹⁴ Law Council, Submission for 2022-23, [21]; Submission for 2023-24 [7]; Submission for 2024-25 [17]

15. These places should also be allocated to Afghans who continue to face ongoing persecution and harassment in third countries, such as Pakistan and Iran, due to sectarian and political conflict. Pressure from authorities in these countries is forcing vulnerable individuals to return to Afghanistan, despite real fear of persecution under Taliban rule. In principle, an applicant who is forced to return to Afghanistan should not have to decrease their chance of being granted a humanitarian visa. Instead, in this situation the Department should consider granting more Subclass 203 Visas.
16. Furthermore, practitioners would like to see processing of all applications lodged by Afghan nationals prioritised to ensure that timely and sufficient humanitarian support is provided. The Australian Government should allow for an increase in the number of places throughout the year, should it become clear that places have been exhausted earlier than planned.
17. The Law Council is aware that a significant number of Afghan asylum applications made in 2021 remain pending. As a solution, the Department could consider creating two separate application streams, one for people fleeing harm in Afghanistan, and a second for who are in the general cohort. This may allow for expedited application processing for both the Afghan community and those fleeing harm from other countries. Given the exceptional circumstances in Afghanistan and other regions around the world there should be a temporary expansion of the number of visa categories with 20,000 places for Afghans and 20,000 for non-Afghan applicants. Further, the Department should consider reducing the procedural burdens for Afghan applicants, or other in-country applicants, and reduce the need for biometrics where services are not available in their home country.

Recommendations

- **The allocation of special visas should be increased for Afghan refugees, given high demand.**

The processing of visas for applicants from Afghanistan should be adequately resourced so that refusals on a 'lack of capacity' basis no longer occurs and also improve on communication so that Applicants and their proposers are aware of processing times and where applications are up to and prospects

- **Effective processes should be introduced to improve the verification of identity documents for applicants remaining in Afghanistan (including those who have been involuntarily returned) and the expedient issuance of ImmiCards for those who do not hold valid passports or other travel documents.**

Palestine / Gaza

18. In view of the dire situation in Gaza, additional support should be offered to the Palestinian cohort. This support should include the following:
 - progressing visa applications by Palestinians as a priority, particularly for those with strong connections to Australia;
 - continuing to offer Temporary Humanitarian Concern (Subclass 786) visas to eligible Palestinians and Israelis in Australia who are unable to return home because of the conflict; and

- allowing access to work, study, Medicare, and special benefits for those unable to return.

Recommendation

- **The Australian Government should continue to offer support to Palestinian applicants, given the scale and unpredictability of the conflict in Gaza.**

Need for Flexibility

19. Evolving geopolitical instability requires the Humanitarian Program to be adaptable, particularly in response to conflict and instability.
20. The Law Council welcomes the commitment in the Discussion Paper to ‘[find] sustainable global solutions, including through growing [the] overall Program’.¹⁵ The Discussion Paper also notes that ‘[t]he Program operates flexibly to respond effectively to evolving humanitarian situations and global resettlement needs’.¹⁶
21. In line with the spirit of this commitment, the Australian Government should expand the refugee resettlement portion of the Humanitarian Program (by at least 10–20 per cent) to keep pace with global resettlement needs.

Recommendations

- **The Australian Government should, in line with its pre-election commitments, sentiments expressed in the Discussion Paper and with increasing global demand, increase the overall size of the Humanitarian Program—particularly the offshore component.**

Other features of the Humanitarian Program

Onshore and Offshore—Need for Distinction to be Made

22. As the Discussion Paper notes at page 3, the Humanitarian Program currently consists of two sub-programs: the onshore protection program and the offshore resettlement program. This results in two distinctly separate programs being managed under one numerical cap (currently 20,000). In 2023–24, Australia granted 9,762 Refugee category visas, 5,475 Global Special Humanitarian Program visas, 1,513 Community Support Program (CSP) visas and 3,250 onshore Protection Visas.¹⁷ Australia is currently the only resettlement country in the world to manage its onshore protection and offshore resettlement schemes under the one program in this manner.¹⁸
23. The onshore protection and offshore resettlement should be established as two separate programs because:

¹⁵ Discussion Paper, 6.

¹⁶ Ibid, 2.

¹⁷ Department of Home Affairs, *2023–24 Humanitarian Program Outcomes*.

<<https://www.homeaffairs.gov.au/research-and-stats/files/aus-offshore-humanitarian-program-2023-24-glance.pdf>>

¹⁸ Refugee Council of Australia, “How separating onshore refugee protection visas from offshore humanitarian resettlement will help address Australia’s messy visa system” (June 2023):

<<https://www.refugeecouncil.org.au/wp-content/uploads/2023/03/Breaking-the-link-brief-202306-1.pdf>>.

- The onshore protection allocation should be demand-driven, instead of being dictated, to a degree, by the number of offshore humanitarian visas granted. Despite the substantial increase in applications for onshore Protection Visas, the number of granted visas has remained consistently low.
- Separating the programs may help address the current backlog in the decision-making process, especially for onshore protection applicants who are currently required to wait a substantial period until they are granted permanent visas. Applicants awaiting a decision on their onshore protection applications are often placed on insecure bridging visas, which often have conditions restricting their ability to work and gain access to support. This results in such applicants being extremely vulnerable to experiencing poverty, homelessness, and labour exploitation.¹⁹

Recommendation

- **The Australian Government should separate out the offshore resettlement and onshore protection aspects of the Humanitarian Program for reasons of transparency and efficacy.**

Complementary Pathways

24. The Law Council welcomes the Skilled Refugee Labour Agreement Pilot in the spirit of promoting complementary pathways generally, and more specifically because it removes many of the barriers that refugees and other forcibly displaced people face when trying to access employer-sponsored skilled migration pathways.²⁰

Recommendation

- **The Skilled Refugee Labour Agreement Pilot should be properly established and expanded but should not be included in overall numbers for the humanitarian visa program and should have a separate Cap**

Community Support Program

25. However, numbers allocated to the CSP should be separate from places in the Program more generally. This is due to concerns that the placement of the CSP under the Program's general allocation will have the effect of reducing places for individuals in the Refugee and Special Humanitarian Program categories who do not meet the criteria for the CSP allocation. This may undermine the intention of the Program in providing permanent settlement to those most in need. A separate cap for CSP places may also go some way to reducing the backlog identified in the Discussion Paper.²¹

Recommendation

- **Places under the CSP should be counted separately from the other Humanitarian Program allocations.**

¹⁹ See for example Asylum Seeker Resource Centre, *The Extent and Nature of Poverty in Australia – Submission to the Senate Community Affairs References Committee* (March 2023): <<https://asrc.org.au/wp-content/uploads/2023/03/ASRC-Submission-The-extent-and-nature-of-poverty-in-Australia-2.pdf>>

²⁰ Refugee Council, *Resettlement and complementary pathways to Australia*:

<<https://www.refugeecouncil.org.au/resettlement-and-complementary-pathways-to-australia>>.

²¹ Discussion Paper at 4.

Migration Regulations, Family Reunification and the Humanitarian Program

26. The Law Council welcomes the recent changes that permit eligible Subclass 785 Temporary Protection Visa (**TPV**) and Subclass 790 Safe Haven Enterprise Visa (**SHEV**) holders to apply for a permanent resident visa by way of a permanent Subclass 851 Resolution of Status (**ROS**) visa. Following these changes, those who now hold ROS visas may now be permitted to apply for family reunification by way of Partner, Child and Parent visa applications.
27. However, the Visa Application Charges (**VACs**) for Partner, Child and Parent visa applications are prohibitively expensive (many costing thousands of dollars), particularly for larger families and those unable to work. There should be a pathway for these ROS visa holders to proceed with family reunification by way of the Humanitarian Program. Regulation 2.07AM(5) of the *Migration Regulations 1994* (Cth) (“the Regulations”) still prevents a person who arrived by boat from 13 August 2012 onwards from proposing family members for Humanitarian visas under the ‘split family provisions’, regardless of whether such a person is now an Australian citizen or permanent resident.²² We recommend that this exception be removed.
28. In addition, for Partner, Child and Parent visa applications lodged by ROS holders, the Department should consider introducing measures such as VAC waivers, to provide support to those seeking family reunification on a case-by-case basis.

Recommendations

- **The exception in the Regulations preventing family reunification via the Humanitarian Program should be removed.**
- **VAC waivers should be considered for Partner, Child and Parent visa applications lodged by ROS visa holders.**

Processing of Humanitarian Visa Applications

29. As in 2024–25, practitioners have raised concerns with the Law Council regarding a large number of Humanitarian Visa applications that have not been acknowledged by the Department since lodgement from August 2021, following the fall of Afghanistan to the Taliban.²³ This includes applications lodged by Afghan nationals and other cohorts. We understand that the Department has introduced a policy not to issue acknowledgments for Emergency Rescue (Subclass 203) visas. The Law Council is concerned about this decision, and generally also about the absence of acknowledgment receipts, noting the commitment on the Department’s website that Humanitarian Visa applications are ‘generally’ acknowledged in writing.²⁴
30. Without timely acknowledgments or correspondence, practitioners are finding it difficult to advise clients on when their applications will be acknowledged, the reason behind lengthy delays, the dates upon which the applications will be marked as received, and

²² The *Migration Regulations 1994* (Cth) still includes a restriction that a proposer must not be an unauthorised maritime arrival who arrived after 13 August 2012 (see subclause 202.211(2) for the criteria to be satisfied for the application for a subclass 202 visa, along with subregulation 2.07AM(5).

²³ Law Council, Submission for 2024-25, [36] – [38].

²⁴ Department of Home Affairs, *Afghanistan Update*, 4 July 2025. <<https://www.homeaffairs.gov.au/help-and-support/afghanistan-update>>

where they will be placed in the processing queue. Additionally, practitioners cannot keep the Department up to date on clients' circumstances if they are not even sure their applications have been duly received (including if they have not been assigned a file number).

31. These communication challenges create further uncertainty for individuals in need of humanitarian assistance who are already vulnerable and distressed.

Recommendations

- **The Department should review its communication and management processes for Humanitarian visas to ensure that acknowledgments are given in a timely manner.**
- **In particular, queries to shp.enquiries@homeaffairs.gov.au should be processed and responded to within a reasonable time frame.**

Specific Consultation Questions

Q1. What should the composition of Australia's 2025–26 Humanitarian Program be and why? What do you think should be the proportion split between the Refugee and Special Humanitarian Program (which also includes the Community Support Program) categories in the offshore component of the Humanitarian Program?

32. The Law Council's position is that the baseline numbers of places within Australia's 2025–26 Humanitarian Program (including both the Refugee and Special Humanitarian Program categories) should increase annually to ensure that the program is able to meet growing humanitarian need. The Discussion Paper recognises that 'refugee situations around the world (are increasing) in scope, scale and complexity',²⁵ but nevertheless proposes that the Government should maintain the Humanitarian Program size at 20,000 places, which reflects the level set in financial years 2023–24 and 2024–25. The Department should instead consider increasing the annual Humanitarian intake to 27,000 places per year, and an additional 10,000 places through community sponsor programs and complementary pathways, as outlined in the Government's pre-election commitments.
33. An increase to 27,000 humanitarian places would be a modest approach in the context of current humanitarian need, particularly in comparison to other countries. For example, Canada resettled approximately 51,000 refugees in 2023 which is a rate of 0.12 per cent per capita. Should Australia increase its intake to 27,000, it would still fall short of this rate at approximately 0.1 per cent per capita.²⁶
34. Onshore applicants awaiting a decision on Protection Visa applications are often placed on insecure bridging visas which often have conditions restricting their ability to work and gain access to support. This places applicants at risk of further vulnerability through poverty, homelessness, labour exploitation, and delaying family reunification.
35. The Law Council suggests that the Government should set out a process to increase the refugee and humanitarian intake over time in a way that responds to the scale of displacement globally and Australia's ability to contribute. In this context, we note the Government's 2023 Global Refugee Forum pledge to gradually grow the Humanitarian

²⁵ Discussion Paper at 6.

²⁶ Refugee Council of Australia, *Refugees Protected in Australia at 7-Year High, UNHCR Data Shows*, 24 June 2024. <<https://www.refugeecouncil.org.au/refugees-protected-in-australia-2023/>>

Program,²⁷ and provide 10,000 additional community sponsored and other complementary pathway places, additional to the core humanitarian intake. At present, however, the Government has not articulated a means for achieving this pledge.

36. Community consultations on the Humanitarian Program in previous years have shown strong stakeholder support for allocating all places counted as part of the Humanitarian Program to the core, refugee category. The Law Council supports this approach, noting that additional humanitarian programs including the Special Humanitarian Program Category and the Community Support Program should be in addition to the core component. This would increase the overall humanitarian intake and ensure the Government is able to provide further places to assist with UNHCR resettlement referrals.
37. The Law Council reiterates its previous submissions that onshore protection offered to persons who are found to engage Australia's protection obligations should not be determined by reference to the number of offshore humanitarian places granted by the Government. A more principled approach would be to remove any ceiling for the onshore component, which would better reflect international law principles on the rights of persons to seek asylum.²⁸

Q2. The Humanitarian Program is under significant pressure from unprecedented demand including as a result of multiple refugee crises across the world and limited global resettlement places. How should the Humanitarian Program respond to these crises while balancing the commitment made for protracted situations, specific cohorts and supporting our region?

38. The Law Council submits that the Humanitarian Program should remain agile and flexible throughout the year, in terms of numbers allocated, to ensure that Australia can adequately respond to global events and play its part in providing humanitarian support. Further, the Department should consider the following:
- Provide additional and adequate humanitarian intakes when global humanitarian emergencies emerge in a consistent, fair, and humane manner.
 - Ensure there is effective communication between the Department of Home Affairs and applicants and their legal representatives to help alleviate extreme high levels of stress for applicants.
 - Ensure there is a more coordinated response to the Palestinian and Gazan crises through greater agility and flexibility in allocation during the year to assist with the growing demand.
 - Ensure efficient processing and liaising with community legal centres and community groups to improve communication and efficiency.
 - 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.

²⁷ United Nations High Commission for Refugees, *The Global Refugee Forum 2023 - Government of Australia*, December 2023. <<https://www.unhcr.org/au/global-refugee-forum-2023>>

²⁸ Law Council, submission for 2024-25, at [28] – [29].

Q3. Due to an increase of interest in the Community Support Program and limited places under the Humanitarian Program, the Community Support Program is oversubscribed with processing times increasing from 6–12 months in 2022–23 to a minimum of 8 years as at June 2025. We understand the Humanitarian Program, while focused on working age primary applicants, is currently being primarily used for family reunion. What can we do to address this?

39. The Law Council submits that community sponsorship pathways should be expanded to 10,000 places per annum, in addition to Australia’s overall humanitarian intake, which would help address the oversubscription of the Community Support Program. This is reflected in the Australian Government’s previous commitment to increase community sponsored and other complementary places to 10,000 per year over time, additional to the core humanitarian intake.²⁹

40. The Law Council submits that more mechanisms for family reunification should be provided to reduce the burden on the Humanitarian Program and processing times. In particular the Department may wish to consider the following suggestions:

- Amend the Regulations 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.
- Amend the Regulation to waive VACs for the Family stream visas that are 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, thus 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 upfront costs of applications, enabling more people to apply in the family stream.
- Commit sufficient resources to 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.
- Specific visa pathways for Australian Permanent Residents or Citizens to sponsor siblings.
- Implement the Skilled Refugee Labour and Refugee Student Settlement Pathway Pilots as ongoing programs and liaise with the legal sector and community groups to ensure there is greater awareness of the programs and more efficient processing.
- Consider reforms regarding the efficiency of the Community Support Program, including greater communication around eligibility for applicants.

Q4. How can the Government better plan and coordinate responses to emergency humanitarian crises? How can private or community supported initiatives assist people displaced by emergency humanitarian crises?

41. Commentators have noted that the Australian Government’s humanitarian responses to recent crises have been different, including in relation to the process for acquiring a visa, as well as the work, health and other Government services’ entitlements available to

²⁹ Refugee Council of Australia, 2025 Complementary Pathways Vision and Roadmap, May 2025. <https://www.refugeecouncil.org.au/2025-complementary-pathways-vision-roadmap/>

different visa holders upon their arrival in Australia.³⁰ We suggest that the Government establish clear and transparent processes to address future resettlement crises. While emergency resettlement efforts, by their very nature, require flexibility and agility, it would be helpful for the Government to implement a humanitarian, emergency decision-making framework in line with that proposed by Jane McAdam AO and Regina Jefferies.³¹ This would provide a principled way to address crisis situations, and may assist in ensuring consistent, non-discriminatory treatment of different groups experiencing critical humanitarian need.

42. The Law Council also supports a focus on durable solutions for persons fleeing conflict. It is our view that the Government should not rely on temporary visas in the context of the Humanitarian Program, but should rather provide pathways for permanent resettlement. McAdam and Jefferies, for example, have proposed a model whereby the Government could issue an emergency visa, which would permit an initial stay of at least 12 months, with a pathway to permanent stay if it is not safe, possible or otherwise desirable for individuals to return home.³² This approach would ensure greater legal and psychological certainty for affected persons, and better facilitate their social and economic integration.
43. The Law Council also notes the importance of funding legal service providers who provide assistance to applicants under the Humanitarian Program. As pointed out by the Kaldor Centre for International Refugee Law, legal assistance options for people seeking asylum are limited compared with standards in comparable countries and international best practice.³³ This is disadvantageous for both offshore applicants, who require legal assistance to navigate complex visa application processes, as well as onshore applicants, who require support to present a protection claim and, where appropriate, seek merits review or judicial review of an administrative decision. It is also clearly inefficient for tribunals and courts when individuals are unrepresented. Practitioners working on protection cases in rural and regional areas have also emphasised the challenges for applicants residing outside metropolitan areas, who experience difficulties in securing legal representation due to travel costs and compounded administrative difficulties. We suggest that the fairness and overall efficiency of the migration system, in particular the processes around the granting of Protection Visas, would be enhanced if applicants were provided with legal assistance at the earliest opportunity.

³⁰ Jane McAdam AO and Regina Jefferies, 'Ensuring Protection in Humanitarian Emergencies: A Framework for Australia', UNSW Kaldor Centre for International Refugee Law, (Policy Brief 15, September 2024), 1. <<https://www.unsw.edu.au/content/dam/pdfs/law/kaldor/2024-09-policy-brief-15-emergency-protection.pdf>>

³¹ Ibid.

³² Ibid

³³ Kaldor Centre for International Refugee Law, 'Do People Seeking Asylum Receive Legal Assistance' (Factsheet, Updated May 2020):

<https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Factsheet_Legal%20Assistance_final.pdf>