

## Attachment—Substantive submissions—8 June 2023

### Size of the Humanitarian Program

1. The Law Council maintains:
  - its established position<sup>1</sup> that the Humanitarian Program should progressively increase to least 20,000 per annum consistent with the Report of the Expert Panel on Asylum Seekers published in 2012;<sup>2</sup> and
  - its support<sup>3</sup> for the Australian Government's aspiration—a pre-election commitment<sup>4</sup> maintained in material prepared for the purpose of this consultation<sup>5</sup>—to progressively increase the intake to 27,000 per year.
2. The ceiling of 17,875 places (including specified Afghan places) in the 2022–23 Program<sup>6</sup> is fewer than in 2018–19<sup>7</sup> and 2019–20,<sup>8</sup> when 18,750 were allocated (and 18,762 and 13,171 granted).<sup>9</sup>
3. However, according to the United Nations High Commissioner for Refugees (**UNHCR**), 'global resettlement needs have significantly risen for 2023 compared to previous years [and] [t]he support of the international community in finding lasting solutions for those experiencing displacement is greater than ever'.<sup>10</sup>
4. The UNHCR estimates that 'global resettlement needs will significantly increase to 2,003,982 persons, as compared to 2022 when 1,473,156 were estimated to be in need

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<sup>1</sup> Law Council of Australia, Submission to the Department of Home Affairs, 'Discussion Paper: Australia's Humanitarian Program 2021-22' (Submission, 28 May 2021) 2 <https://www.lawcouncil.asn.au/publicassets/2d801d92-e7c4-eb11-943c-005056be13b5/4010%20-%20Australias%20Humanitarian%20Program%202021-22.pdf>; Law Council of Australia, Submission to the Department of Home Affairs, 'Australia's 2022-2023 Humanitarian Program' (Submission, 19 August 2022), <https://www.lawcouncil.asn.au/publicassets/53baf080-1d24-ed11-9460-005056be13b5/2022%2008%2019%20-%20S%20-%20Australias%202022-23%20Humanitarian%20Program%20-%20final.pdf> [4] (**2022-23 Humanitarian program submission**).

<sup>2</sup> 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), accessed at <https://apo.org.au/sites/default/files/resource-files/2012-08/apo-nid30608.pdf>.

<sup>3</sup> 2022-23 Humanitarian program submission [3] [13]-[14].

<sup>4</sup> Australian Labor Party, ALP National Platform as adopted at the 2021 Special Platform Conference, <https://alp.org.au/media/2594/2021-alp-national-platform-final-endorsed-platform.pdf> 123 (**2021 ALP National Platform**).

<sup>5</sup> Department of Home Affairs, 'Summary of Responses to the Consultations on the 2022-23 Humanitarian Program'.

<sup>6</sup> Discussion Paper 6.

<sup>7</sup> Department of Home Affairs, 'Australia's offshore Humanitarian Program: 2018–19' 1 <https://www.homeaffairs.gov.au/foi/files/2019/fa-190801794-document-released.PDF>.

<sup>8</sup> Department of Home Affairs, 'Australia's Offshore Humanitarian Program: 2019–20' <https://www.homeaffairs.gov.au/research-and-stats/files/australia-offshore-humanitarian-program-2019-20.pdf>.

<sup>9</sup> Department of Home Affairs '2021-22 Annual Report' (2022) 109 <https://www.homeaffairs.gov.au/reports-and-pubs/Annualreports/home-affairs-annual-report-2021-22.pdf>.

<sup>10</sup> UNHCR, 'UNHCR Projected Global Resettlement Needs 2023' (2022) 12 <https://www.unhcr.org/sites/default/files/2023-01/62b18e714.pdf>.

of resettlement'.<sup>11</sup> By way of comparison, the UNHCR estimated the global resettlement need in 2018 and 2019 (when, as noted, the Humanitarian Program intake was higher than it is presently) at 1,195,349 persons<sup>12</sup> and 1,428,011 persons<sup>13</sup> respectively.

5. The Law Council considers that the Humanitarian Program should increase to meet growing humanitarian need, starting with the 2023–24 program year. The Law Council suggests that, to the greatest extent possible, the Humanitarian Program allocation should be agile and flexible in responding to global events to ensure Australia continues to play its part in providing humanitarian support. It recommends that specific allocations should be made available to applicants from countries experiencing substantial increases in unrest (as discussed below, with respect to Sudan).
6. The 2023–24 Humanitarian Program was not addressed in the Budget, pending the finalisation of the figure following this process.<sup>14</sup> The Department must be sufficiently resourced to process both onshore and offshore applications, to ensure that visas are granted to the full allocation of the Program and to assist those who hold visas to enter Australia. A response to a question taken on notice at the recent Senate Estimates hearings stated that there had been no additional staff hired since May 2022 to process onshore protection visa applications (including Subclasses 866, 790 and 785).<sup>15</sup> However, it also noted that 'there has been significant recruitment over the last 12 months, there has been a simultaneous high rate of attrition in protection visa processing areas'.<sup>16</sup>

## **Cohort specific submissions**

### Position in relation to Afghan nationals

7. The Law Council reiterates its support for the commitment to allocate 26,500 places for Afghan nationals in the four years to 2025–26.<sup>17</sup> However, this allocation will be insufficient to accommodate the significant number of Humanitarian visa applications received from Afghans. At the time of writing, the Department's website records 189,603 applicants between 15 August 2021 and 19 May 2023, of which 42,241 applications have been finalised and 12,203 visas granted.<sup>18</sup> At this rate, the allocation of places to Afghans will not be sufficient to address demand.

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<sup>11</sup> Ibid 13.

<sup>12</sup> UNHCR, 'UNHCR Projected Global Resettlement Needs 2018' (2017) 11 <https://www.unhcr.org/media/36342>.

<sup>13</sup> UNHCR, 'UNHCR Projected Global Resettlement Needs 2019' (2018) 12 <https://www.unhcr.org/media/37358>.

<sup>14</sup> Commonwealth, *Estimates*, Senate Legal and Constitutional Affairs Committee, 22 May 2023 136.

<sup>15</sup> Department of Home Affairs, 'Question on notice no. 423 Portfolio question number: SE23-423 Supplementary Budget estimates' (question asked by Senator Nick McKim on 13 February 2023).

<sup>16</sup> Ibid.

<sup>17</sup> 2022-23 Humanitarian program submission [21].

<sup>18</sup> Department of Home Affairs, 'Afghanistan update' (webpage, accessed 6 June 2023) <https://www.homeaffairs.gov.au/help-and-support/afghanistan-update>.

8. The Law Council suggests that:
- the allocation of places in the Humanitarian Program to Afghans should increase if the present allocation is exhausted before then; and
  - consideration should be given to increasing the Department's resourcing to support an increase to the allocation to Afghan nationals, as well as address the receipting issues identified in the final part of this submission.
9. In Senate Estimates recently, the Department confirmed that it is unable to perform biometrics checks, health checks and security checks in Afghanistan at the moment, and, as a result, visa applications lodged by persons still based in Afghanistan cannot be finalised.<sup>19</sup>
10. Both the LSNSW and LIV have raised concerns about this development.
11. The LSNSW suggests that the limited ability to complete applicants' biometrics, conduct comprehensive visa interviews, or verify identity and civil documents in Afghanistan, does not necessarily mean that there should be a cessation of the processing of all in-country applications. It suggests that, if this does prove necessary, the Australian Government should carry forward those Humanitarian Program places allocated to Afghan nationals into subsequent years.
12. LIV members have reported that offshore Humanitarian visas lodged by Afghans are being refused on the basis that the Australian community does not have capacity to provide for the permanent settlement of persons such as the applicant in Australia.<sup>20</sup>
13. These practitioners are concerned about the refusals of Humanitarian visa applications lodged by Afghan nationals on this basis. The concern is that decision-makers may be relying on the capacity ground because the Department does not have the capacity to verify documents or due to practical difficulties with processing applicants who remain in country. It has been reported that applications have been refused on this ground, despite the applicant meeting all other criteria for a Humanitarian visa.
14. The Law Council would be pleased to engage with the Department on this issue so that it can form a more considered view. As a preliminary observation, the Law Council queries whether the ability to verify documents at a particular point in time can be equated with the capacity of the Australian community to provide permanent settlement for a person.
15. The Law Council whilst sympathetic to the difficulties the Department is facing processing Afghan resident's applications, queries whether the Department could adjust the manner in which it performs the relevant checks in light of the circumstances in Afghanistan.

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<sup>19</sup> Commonwealth, *Estimates*, Senate Legal and Constitutional Affairs Committee, 22 May 2023 135 (Mr Andrew Kiley).

<sup>20</sup> That is, subparagraph 200.222(b)(iv), paragraph 201.222(d), 202.222(2)(d), 203.222(b)(iv) and 204.224(b)(iv) of Schedule 2 to the Migration Regulations 1994 (Cth).

16. In a supplementary submission to the Senate Foreign Affairs, Defence and Trade References Committee (**Senate Committee**) inquiry into Australia's engagement in Afghanistan, the Law Council suggested that the Department give consideration to materials published by United Nations agencies on identity management and verification.<sup>21</sup> The Senate Committee report said the following on the Department's processes for performing health and biometric checks for visa applicants in Afghanistan:

*Leniency must also be granted in relation to visa application processes, given it is nigh on impossible for visa applicants in Afghanistan to meet normal requirements for health checks, biometric checks, and so on under the current circumstances in the country. If there is insufficient flexibility in the current system to accommodate this, the Government should consider introducing a separate visa category for Afghan applicants to reduce these administrative barriers.<sup>22</sup>*

17. The Law Council also stresses the importance of clear communication with applicants and their representatives. This may include any information the Department can provide to an applicant whose application is held up by the pause in biometric testing, including the likelihood of future processing recommencing. If it would be of assistance to the Department, the Law Council would be pleased to further consult with the profession regarding solutions or alternative approaches to these processing issues.
18. The LIV's members also report experiencing difficulties in facilitating the entry to Australia of Afghans who have Humanitarian and other visas, but no identity documents. These include difficulties in contacting the Department to arrange obtaining identity documents for those granted visas. In some instances, visa holders are not issued an ImmiCard to travel to Australia, prior to the date they are required to enter Australia. Visa holders are also experiencing difficulties obtaining exit permits from the country of departure, making it difficult for the visa holder to travel to Australia.
19. The Law Council recommends a consistent and streamlined approach be applied to all offshore processing posts facilitating travel documents, and that this approach is explained to visa applicants at the time the visa is granted.

### Sudanese Response

20. The LIV recommends that a specific allocation be made from the Humanitarian Program for the Sudanese cohort, similar to the Afghan allocation. It also supports expedited processing for this cohort and the provision of similar support to that offered to the Ukrainian cohort.<sup>23</sup>
21. The Law Council agrees that these suggestions deserve close consideration in the context of the current Sudanese conflict and the uncertainty surrounding when it will end. At the time of writing, the UNHCR estimates that 400,000 people, including Sudanese refugees and refugees of other nationalities hosted by Sudan, have fled

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<sup>21</sup> Law Council of Australia, 'Response to questions on notice – hearing of the Foreign Affairs, Defence and Trade References Committee on 8 November 2021' (17 November 2021) [31]-[35].

<sup>22</sup> Senate Foreign Affairs, Defence and Trade References Committee, 'Australia's engagement in Afghanistan: final report' (April 2022) [7.69].

<sup>23</sup> Department of Home Affairs, 'Ukraine visa support' <https://www.homeaffairs.gov.au/help-and-support/ukraine-visa-support> (accessed on 5 June 2023).

Sudan to neighbouring countries or returned home in adverse circumstances since the outbreak of armed conflict in Sudan on 15 April 2023.<sup>24</sup>

22. A cohort-specific approach could include:

- progressing visa applications from Sudanese nationals as a priority, particularly for those with strong connections to Australia;
- offering Temporary Humanitarian Concern (Subclass 786) visas to eligible Sudanese nationals in Australia as at the beginning of the conflict on 15 April 2023; and
- allowing access to work, study, Medicare and special benefits for those unable to return.

23. Notably, the Australian Government has designated Myanmar nationals as a priority for processing onshore protection applications,<sup>25</sup> a group whose needs the Law Council previously recommended should be given ongoing consideration.<sup>26</sup>

### Stateless Persons

24. The LSNSW has raised the situation of stateless people. Its members suggest that stateless persons often face difficulties in meeting the requirements for a Protection visa under the humanitarian, refugee, or complementary protection regimes.

25. It suggests that consideration be given to developing pathways to protection for stateless people, noting that Australia is party to both the 1954 Convention relating to the Status of Stateless Persons<sup>27</sup> and the 1961 Convention on the Reduction of Statelessness.<sup>28</sup>

26. The Law Council recommends that the Department consider revisiting how claims for statelessness are assessed. For example, it suggests that the Department should ensure that applicants are given adequate opportunity to respond to any potential adverse information, and that applications are not unduly delayed due to the difficulties in assessing statelessness claims.

27. The Law Council would be pleased to consult further with the legal profession to develop more specific suggestions if that would assist the Department. The Law Council is concerned given the recent statistics of stateless persons in immigration detention. According to Department data, as at 31 December 2022, the average time the 35

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<sup>24</sup> UNHCR, Operational Data Portal – Sudan situation', [https://data.unhcr.org/en/situations/sudansituation? gl=1\\*13e8gl\\* rup\\_ga\\*MzU2MjY3MDA2LjE2ODU4NzU4MDE.\\* rup\\_ga\\_EVDQTJ4LjY3MDA2LjE2ODU4NzU4MDE.\\* ga\\*N9CH61RTNK\\*MTY4NTg3NTk4Mi4wLjAuMA..\\* ga\\*MzU2MjY3MDA2LjE2ODU4NzU4MDE.\\* ga\\_N9CH61RTNK\\*MTY4NTg3NTk4Mi4wLjAuMA..# ga=2.122512267.1840993272.1685875801-356267006.1685875801](https://data.unhcr.org/en/situations/sudansituation? gl=1*13e8gl* rup_ga*MzU2MjY3MDA2LjE2ODU4NzU4MDE.* rup_ga_EVDQTJ4LjY3MDA2LjE2ODU4NzU4MDE.* ga*N9CH61RTNK*MTY4NTg3NTk4Mi4wLjAuMA..* ga*MzU2MjY3MDA2LjE2ODU4NzU4MDE.* ga_N9CH61RTNK*MTY4NTg3NTk4Mi4wLjAuMA..# ga=2.122512267.1840993272.1685875801-356267006.1685875801) (access on 5 June 2023).

<sup>25</sup> Consultation paper 5.

<sup>26</sup> 2022-23 Humanitarian program submission [24]-[27].

<sup>27</sup> *Convention Relating to the Status of Stateless Persons*, adopted on 28 September 1954 by a Conference of Plenipotentiaries convened by Economic and Social Council resolution 526 A(XVII) of 26 April 1954. Entry into force 6 June 1960, in accordance with article 39.

<sup>28</sup> *Convention on the Reduction of Statelessness* Adopted on 30 August 1961 by a conference of plenipotentiaries which met in 1959 and reconvened in 1961 in pursuance of General Assembly resolution 896 (IX) of 4 December 1954. Entry into force 13 December 1975, in accordance with article 18.

stateless persons in immigration detention have been detained was 1,105 days,<sup>29</sup> above the overall average of 803 days.<sup>30</sup> Of those 35 persons, 27 have applied for protection.<sup>31</sup>

## **Other features of the Humanitarian Program**

### Community Support Program (CSP)

28. The Law Council supports the Australian Government's goal to increase the allocation of places in the CSP to 5,000 annually,<sup>32</sup> in addition to the separate allocation of places in the Humanitarian Program.<sup>33</sup> The material prepared for this consultation suggests this remains the Minister's objective.<sup>34</sup> The Law Council emphasises the importance of maintaining these as separately allocated programs, because placing the CSP under the Program's general allocation will reduce places for those individuals, under the offshore Special Humanitarian Program (SHP) 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.

### SHP and Regional Areas

29. The Law Council supports the apparent change to cease priority being given to applicants applying to reside in regional areas under the SHP, which is no longer listed as a priority on the Department's website.<sup>35</sup> The Discussion Paper confirms that the 50 percent regional settlement target was removed from Program settings to mitigate the risk that the focus on regional settlement is aimed at achieving a numerical target, as opposed to achieving good settlement outcomes for arrivals.<sup>36</sup>

30. The Discussion Paper also notes, however, that in 2022–23 the Department continued to 'actively work towards settling humanitarian entrants in regional areas, and to monitor and support regional humanitarian entrants' settlement where possible'.<sup>37</sup> The Law Council has again received feedback from the profession that the majority of service providers (for health, welfare and counselling) are located in metropolitan areas. It suggests the availability of these services continue to be taken into account in consideration of settlement location for visa holders under the SHP. If targeted regional areas are to be considered under the SHP, the Department should ensure that these resources are readily available to enhance the prospect of positive settlement outcomes.

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<sup>29</sup> Department of Home Affairs, 'Question on notice no. 432 Portfolio question number: SE23-432 Supplementary Budget estimates' (question asked by Senator Nick McKim on 13 February 2023).

<sup>30</sup> Department of Home Affairs, 'Immigration Detention and Community Statistics Summary December 2022 (released 10 February 2023)', <https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-statistics-31-december-2022.pdf>.

<sup>31</sup> Department of Home Affairs, 'Question on notice no. 441 Portfolio question number: SE23-441 Supplementary Budget estimates' (question asked by Senator Nick McKim on 13 February 2023).

<sup>32</sup> 2021 ALP National Platform [8] of 123.

<sup>33</sup> Ibid [6] of 123.

<sup>34</sup> Department of Home Affairs, 'Summary of Responses to the Consultations on the 2022-23 Humanitarian Program'.

<sup>35</sup> Department of Home Affairs, 'Subclass 202 Global Special Humanitarian visa' (webpage, accessed 5 June 2023)

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/global-special-humanitarian-202#About>.

<sup>36</sup> Discussion Paper 7.

<sup>37</sup> Ibid.

## Settlement assistance

31. It is vital newly arrived refugees have access to effective resettlement services upon arrival to Australia.
32. The Law Council's 3 June 2022 submission to the Department in response to its 'Next steps to improve Australia's settlement and integration of refugees' discussion paper, emphasised that access to justice is critical to ensuring a positive settlement experience for newly arrived refugees. The submission suggested access to justice be integrated into the design of resettlement services.<sup>38</sup> The Discussion Paper suggests that this consultation has informed program design of the next settlement services model, upon which work remains underway.<sup>39</sup>
33. The Law Council welcomes the announcement in the 2023–24 Budget, that the Australian Government will provide \$9.1 million to extend existing Youth Transition Support services for 12 months to 30 June 2024.<sup>40</sup> These settlement services for young refugees and migrants help to improve their employment outcomes.
34. Further, the Law Council welcomes the removal of the five-year maximum duration of eligibility for services under the Settlement Engagement and Transition Support Program (**SETS**), the National Community Hubs Program and Youth Transition Support services. This will ensure continued support is available for refugees and migrants who have been in Australia for longer than five years and who have unresolved settlement needs. The Law Council refers to its submissions on the SETS in June 2022.<sup>41</sup>
35. In addition, the LIV:
  - calls for an increase in funding to extend the support services program beyond youth, and to ensure there is widespread engagement for those who are eligible for support services; and
  - recommends a targeted effort be made to assist with citizenship applications for those eligible in that cohort.
36. The Law Council commends these suggestions for consideration in the design of the new settlement services program.

## **Department handling of Humanitarian visa applications**

37. Finally, with acknowledgement to the LIV's views, the Law Council takes the opportunity to convey feedback from the profession regarding the Department's processing of visas under the Humanitarian Program.
38. It prefaces the following comments with an acknowledgement of the resourcing constraints under which the Department has been operating, and the considerable efforts it understands have been made by Departmental staff to respond to the sudden,

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<sup>38</sup> Law Council of Australia, submission to the Department 'Next steps to improve Australia's settlement and integration of refugees' (3 June 2022) [5] <https://www.lawcouncil.asn.au/publicassets/e6e61e96-5ae5-ec11-9452-005056be13b5/2022%2006%2003%20-%20S%20-%20Next%20steps%20to%20improve%20Australias%20settlement%20and%20integration%20of%20refugees.pdf> (June 2022 settlement services submission).

<sup>39</sup> Discussion Paper 8.

<sup>40</sup> Commonwealth of Australia, 2023-24 Budget, Budget Paper No 2 160 [https://budget.gov.au/content/bp2/download/bp2\\_2023-24.pdf](https://budget.gov.au/content/bp2/download/bp2_2023-24.pdf).

<sup>41</sup> June 2022 settlement services submission [8], [23]-[27].

significant influx of applications from Afghan nationals following the fall of the Afghan Government. The Law Council reiterates that it is essential that the Department is properly resourced to both expeditiously work through the on-hand applications and maintain communication with applicants about the progress of their applications.

39. Practitioners report that there are many Humanitarian visa applications, both from Afghans and generally, which have not been acknowledged since lodgement in August 2021. Further, the Department's website only provides details of the number of applications lodged by *Afghan* nationals which have yet to be acknowledged – it does not provide that information for applications lodged by persons of any other nationality.
40. Practitioners report that the delays in providing acknowledgements have caused considerable distress for visa applicants, proposers, and their families. These delays make it difficult to advise clients on when the applications will be acknowledged, why there are such lengthy delays, and where they will be placed in the processing queue.
41. To highlight practitioner examples, in one case, two applications for Humanitarian visas were posted to a domestic Departmental processing office in the same envelope in late 2021. Just under one year later, only one of the two applications were acknowledged. The second application in the same envelope, as at the date of writing, has not been acknowledged. Emails to the Department following up on that second application have not received a response.
42. As another example, two applications for Humanitarian visas were posted to a domestic Departmental processing office in the same envelope in mid-2022. To date, there has been no acknowledgment of either application. Since the date that those applications were sent to the processing office, several emails have been sent to the Department to request an acknowledgment and priority processing of the two applications. Two Global Feedback Unit (**GFU**) complaints have been lodged for each application. Despite continued correspondence, there has been no substantive response from the Department, including from GFU, and no acknowledgment of either application.
43. Practitioners suggest that acknowledgements are not being provided to applications where the visa applicants remain in Afghanistan and no proposal form is lodged. While in some instances, the Department will forward a file number for these applications by email when requested, this does not often occur. Without a file number or acknowledgement, LIV members query whether the applications have been received at all by the Department. It is also difficult to ensure the Department is kept updated about the applicant's circumstances, including change of address, as the file number is required to be cited in correspondence with the Department.
44. A recent media report also includes quotes from members of the Afghan community in Australia who have family members in Afghanistan whose applications lodged in August 2021 are still outstanding and who have also, reportedly, received little communication from the Department.<sup>42</sup>
45. The Law Council considers that the effective management and communication of Humanitarian visa applications is integral to the delivery of the program. As noted above, the Law Council understands that the fall of the Afghan Government and the resulting significant and immediate influx of applications has had a considerable impact

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<sup>42</sup> Mackenzie Colahan, 'Saeed made it out of Kabul alive but thousands of Afghans are still waiting for refugee visas', *ABC News*, 23 May 2023 <https://www.abc.net.au/news/2023-05-23/afghan-australians-beg-government-rescue-relatives-from-taliban/102312630>.



on the Department. However, it has long called for at least an acknowledgement email with a reference number to be sent upon receipt of a Humanitarian Visa application, so that there may be some certainty around this process.<sup>43</sup>

46. The Law Council also notes that it was a Senate Committee recommendation that the Department 'urgently improve its processes and communication in relation to Afghan visa applicants, including by ... urgently sending acknowledgments to all visa applicants from Afghanistan to assist with ongoing processing and communication'.<sup>44</sup> It suggests that consideration be given to whether the Department is able to change its practices to ensure acknowledgements are provided for all longstanding applications, with greater resourcing support if needed.
47. Separately, it has been reported that practitioners are having difficulty drawing the Department's attention to applications of family members of Humanitarian visa holders, who previously held subclass 449 visas and are now permanent residents, notwithstanding that this cohort is recorded on the Department's website as subject to priority processing.<sup>45</sup>
48. The Law Council suggests that communication and acknowledgment processes be reviewed to address the delays experienced by applicants and would be happy to engage with the profession to develop and propose specific solutions on this issue.

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<sup>43</sup> Law Council of Australia, Submission to the Foreign Affairs, Defence and Trade References Committee 'Australia's engagement in Afghanistan' (13 October 2021) [86]  
<https://www.lawcouncil.asn.au/publicassets/419ce938-ec36-ec11-9443-005056be13b5/4109%20-%20Australias%20engagement%20in%20Afghanistan.pdf>.

<sup>44</sup> Senate Foreign Affairs, Defence and Trade References Committee, 'Australia's engagement in Afghanistan: final report' (April 2022) [7.67].

<sup>45</sup> Department of Home Affairs, 'Afghanistan update' (webpage, accessed 6 June 2023)  
<https://www.homeaffairs.gov.au/help-and-support/afghanistan-update>.