



# Refugee Council of Australia

17 April 2023

Mr Filippo Grandi  
High Commissioner  
Office of the United Nations High Commissioner for Refugees  
94 Rue de Montbrillant  
Geneva, Switzerland

Dear Mr Grandi,

On behalf of the Refugee Council of Australia (RCOA), I would like to wish you all the best for a fruitful visit to Australia this week. I thought it might be useful to share some observations from RCOA which you could consider in your discussions with the Australian Government.

Your visit is timely, coming as the Albanese Government finalises its first full annual Budget since its election 11 months ago. Following the very welcome announcement in February of a pathway to permanency for 19,500 refugees who have spent years on temporary protection visas, the coming Budget provides an opportunity for the Government to demonstrate whether and how it plans to act on other commitments for refugee policy reform in the Australian Labor Party (ALP) 2021 National Platform.

Your visit also comes just two months before the 2023 Annual Tripartite Consultations on Resettlement (ATCR) when the chairing of the ATCR process passes from Ireland to Australia. RCOA suggested to the Department of Home Affairs that Australia should chair the ATCR process in 2023-24 (for the first time in 12 years) and I was very pleased that this idea received immediate support from the Department and Immigration Minister Andrew Giles. RCOA looks forward to acting as the ATCR's NGO co-chair in 2023-24.

## **Opportunities to expand resettlement and complementary pathways**

Australia's chairing of the ATCR in 2023-24 provides an important opportunity for Australia to exercise international leadership in the expansion of resettlement and complementary pathways. The ALP National Platform commits a Labor government to expanding the Refugee and Humanitarian Program to 27,000 places a year, with 5,000 community sponsorship places being additional to this (32,000 places in total). The ALP platform does not include any timeframe for implementing this commitment but RCOA is urging the Albanese Government to begin this expansion in its coming 2023-24 Budget and to reach its commitment of 32,000 places by the end of its current term in 2025. In addition, we are encouraging the Government to convert its Skilled Refugee Labour Agreement Pilot into a permanent program of 5,000 places by 2025 and to look at opportunities to develop a complementary pathway for refugees through education opportunities.

## **Pressing need for constructive regional leadership**

As you are well aware, Australia has played a destructive role over the past 20 years in promoting deterrence, detention and outsourcing of protection obligations as responses to the movement of people seeking protection from persecution. For years, RCOA has been advocating for Australia to take a much more positive and pro-active role in supporting strategies which improve the protection of refugees in the places where they first seek assistance. At times, UNHCR officials have suggested to us that the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime might provide some opportunities to advance this. However, after 20 years, this process has not resulted in a single concrete action to improve the protection of refugees – hardly surprising from a process which views the movement of people only in the context of smuggling, trafficking and crime and ignores the urgent need for protection from persecution of millions of people in the Asia-Pacific region.

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The Refugee Council of Australia  
is the national umbrella body  
for refugees, people seeking asylum  
and the organisations and individuals  
who support them • Founded 1981

The ALP National Platform commits a Labor government to going much further in seeking constructive solutions for refugees. Acknowledging the critical role of UNHCR, the platform notes: *“Australia has a particular responsibility to show humanitarian and protection leadership in South East Asia.”* (p. 120) It also declares: *“Labor believes that Australia should lead debate on the establishment of a best practice framework, including new regional agreements and understandings required to ensure the Refugee Convention and the international protection system function effectively in this environment.”* (p.119)

RCOA has been very actively involved in the Asia Pacific Refugee Rights Network since its inception in 2008 and was a driving force behind the 2018 Global Summit of Refugees and the 2018 Asia Pacific Summit of Refugees which led to the formation of the Global Refugee-led Network and the Asia Pacific Network of Refugees. Through these networks, we have been hearing constantly for years from refugees, refugee-led organisations and local NGOs across the region about the day-to-day struggles of forcibly displaced people living with no legal status or protection, the constant fear of forced return and detention, no right to work or access to education or affordable health services and no durable solution in sight. As UNHCR well knows, even small changes in local policy can make substantial changes in the safety and well-being of refugees. Any steps towards change could be supported and encouraged by Australia, through international development assistance, practical support and targeted offers of resettlement – particularly if done in cooperation with resettlement states including New Zealand, Canada and USA.

Up to this point, the Albanese Government has not begun to act on its party’s commitment for Australia to play a more constructive leadership role. Civil society organisations including RCOA are ready to work with the Government on options but there is no branch or unit in either the Department of Foreign Affairs and Trade or the Department of Home Affairs with the authority or interest to act on these strategies. While the Immigration Minister has privately expressed his interest in advancing this agenda, we have yet to see any indication of interest from either the Minister for Foreign Affairs or the Minister for Home Affairs in anything beyond trying to revitalise the Bali Process’ work on people smuggling.

Please do anything you can during your visit to encourage the Australian Government to begin work on a regional strategy which centres on advancing refugee protection. The strong networks between refugee-led organisations and NGOs in Australia and across the Asia-Pacific region create excellent opportunities for dialogue on meaningful and practical strategies. RCOA will work with UNHCR in any way we can to support this.

### **Key domestic refugee policy concerns**

The RCOA has greatly appreciated the Australian Government’s decision to offer permanent protection to refugees on Temporary Protection Visas and Safe Haven Enterprise Visas and the planned reform of the Administrative Appeals Tribunal (which has responsibility for reviewing onshore protection visa decisions). However, we continue to raise a number of serious issues affecting people seeking asylum, including:

- The urgent need to reform the financial assistance available to people seeking asylum, following a 94% cut since 2016 in financial assistance administered through the Status Resolution Support Services (SRSS) program which has resulted in widespread destitution and homelessness. We are asking the Government to act immediately to expand the criteria of the SRSS program to restore a financial safety net for those in greatest need.
- The need for a fair and effective process to review refugee claims rejected under the “fast track” process applied to people who arrived by boat to seek asylum. While in opposition, the Labor Party regularly criticised the lack of fairness in this “fast track” process which left many rejected asylum applicants from countries including Afghanistan, Myanmar and Iran without access to a fair review process. The recent announcement about ending temporary protection offered nothing for people in this situation, leaving an individual appeal for ministerial intervention as the only option available to thousands of people in this situation.
- The government’s deeply disturbing failure to shift the destructive offshore processing policy in any way. The UNHCR Canberra team is working to try to find solutions for refugees abandoned by Australia, including those abandoned in Papua New Guinea. RCOA has greatly appreciated the support of UNHCR for our joint efforts with MOSAIC in Vancouver and Ads Up Canada Refugee Network to support Canadian private sponsorship as one of the durable solutions available. However, it is clear

that hundreds of refugees and people without refugee status who have suffered for 10 years under this appalling policy will be left with no form of permanent protection when all available resettlement places in USA, Canada and New Zealand are exhausted.

- The pressing need for alternatives to detention for hundreds of people who have sought asylum in Australia or have had refugee visas revoked. As at 28 February 2023, the Australian Government held 1,099 people in locked detention facilities, with the average length of detention being 780 days – well beyond detention times in any comparable country. This has resulted from legislative changes which have led to the revocation of visas for foreign nationals convicted of even relatively minor crimes. Where people cannot be returned to their country of origin because of non-refoulement obligations, they are all too often left in detention for years, despite having completed the custodial sentences for the crimes for which they were convicted. We have seen some people released from detention by the Immigration Minister over the past several months but the process of review is painfully slow and opaque.

I will attend the lunch being hosted by Australia for UNHCR in Sydney on Thursday and hope that I might have an opportunity to speak briefly then. As always, RCOA is ready to work with your office and your teams in Canberra and Bangkok on these and other issues.

Yours faithfully,

A handwritten signature in black ink that reads "Paul Power". The signature is written in a cursive, flowing style.

Paul Power  
Chief Executive Officer  
Refugee Council of Australia