



Refugee Council of Australia

6 October 2023

Hon Andrew Giles MP
Minister for Immigration, Citizenship and Multicultural Affairs
Parliament House
Canberra ACT 2600

Re: Reform of protection visa process

Dear Minister,

On behalf of the Refugee Council of Australia, I would like to express our appreciation of the Albanese Government's announcement about strategies to address the unacceptable delays in the onshore protection visa process. The strategies you have outlined yesterday to increase resources in the Department of Home Affairs, the Administrative Appeals Tribunal and the courts will, we hope, do much to address the many impacts of leaving tens of thousands of people for years without a resolution of their status. We are particularly pleased to see the increased commitment to legal advice, which will greatly assist people with strong protection claims to put their cases more clearly and assist decision-makers by improving the quality of information presented to them.

We agree with the Government's assessment that you inherited a mess when taking office 16 months ago. With 70,000 or so people waiting for a decision at first instance, administrative review or judicial review stages and another 30,000 or so people in Australia who are post-review, there is an enormous amount of work to be done to resolve people's status. The commitment of \$160 million to address this is significant indeed and very much welcomed by RCOA and our members, as acknowledged in [our public statement](#) on the announcement. We appreciate the effort that you, your Ministerial colleagues, staff and Departmental officials have put into assessing the situation and developing the strategies announced yesterday.

A significant decline over time in the number of people with their status yet to be resolved will, we hope, also reduce the number of people on bridging visas in dire financial circumstances. As we have discussed with you and your team on numerous occasions, the social impacts of the previous government's substantial cuts to the Status Resolution Support Services (SRSS) program were significantly greater because they coincided with massive growth in the number of people with unresolved visa status. However, as the changes resulting from yesterday's announcement will take time, we will continue to see a pressing need for further extension of the SRSS financial safety net, to address the alarming growth in the destitution and homelessness of bridging visa holders. We will continue to raise this issue with you and your team.

Since the announcement, we have been thinking about the situation of thousands of people previously refused protection who might be assumed by many to be outside the scope of the reforms announced yesterday. These include thousands of people who currently have no remaining option other than seeking ministerial intervention.

Last month, I had the privilege of spending several hours over two days with Neil Para towards the end of his 1000km walk from Ballarat to Sydney. I and many other people were delighted to hear about your decision to grant permanent visas to Neil, his wife Sugaa and their daughters Nivash and Kartie. They endured nine years of stress and pain while they lived without visa status or the right to support themselves. Your decision to intervene was a just and practical response to their situation.

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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

As I walked with Neil, he told me about his experiences of seeking asylum in Australia, his concerns for the future of his daughters, the family's fear about the prospect of forced return to Sri Lanka and his efforts to draw attention to the situation of thousands of people with similar experiences. The discussion with Neil highlighted a number of long-running concerns shared by the Refugee Council and our members:

- The precarious situation of thousands of people who have sought asylum in Australia but currently have no visa of any form. This leaves them without lawful status, in constant fear of being detained and reliant on support from friends and strangers in order to eat and have somewhere to live.
- The lack of a clear pathway for review for people whose asylum claims were rejected in the past, particularly those from source countries where the situation has significantly changed for the worse, such as Afghanistan, Myanmar, Iran and Sudan.
- The concerns of thousands of Sri Lankan nationals whose asylum claims have previously been rejected but are very fearful of forced return, given their experiences in the years leading up to and after the end of Sri Lanka's civil war and the continuing political intimidation and violence in the country.

While we are hearing regularly about positive decisions you are making in individual cases, it seems to us that the full assessment of each case through the ministerial intervention process is an almost impossible task, given the number of intervention requests.

In light of the Government's commitment to fair and efficient consideration of protection claims, could the approach to ministerial intervention be a light touch involving a lifting of the bar to enable people to reapply for protection? With access to funded legal advice, applicants could put forward a protection claim based on current circumstances. As new applications, they could be among those given priority. For the many who were refused under the "fast track" process associated with the temporary protection, this could enable prompt and fair outcomes for people who first sought protection more than 10 years ago.

As always, we and other organisations in our network would welcome the opportunity to discuss these ideas further with you and your team.

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