Refugee Council of Australia

15 March 2024

Hon Clare O'Neil MP
Minister for Home Affairs
Parliament House
Canberra ACT 2600

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

Dear Ministers,

I am writing to express the Refugee Council of Australia's concerns regarding the recent cancellation of visas for a number of Palestinians from Gaza en route to Australia. Our concerns include the following:

1. **The individuals whose visas have been cancelled have been left in dire circumstances.** Families and individuals, having already left Gaza, now find themselves without legal rights or protection in Egypt or in transit in airports en route to Australia. We understand that some individuals have been forced to make the heart-wrenching decision of whether to keep the family together in an indefinite state of crisis or send their children alone to Australia without parents or guardians. Having been granted visas to come to Australia, some families have spent much of their remaining savings on plane tickets to Australia. They are now stranded, not able to return to Gaza, and left helpless and in limbo.

2. **The cancellation letters do not provide understandable explanations for the decisions.** According to information shared with us, the rationale provided in the written reasons for these cancellations is that the individuals "never intended a genuine stay temporarily in Australia", citing "the deteriorating situation in [their] home country". However, the same could be said to apply to hundreds of others who have already made it to Australia from Gaza. We note a Government spokesperson has been quoted in the media as saying: "All visa applicants undergo security checks and are subject to ongoing security assessments. The Australian government reserves the right to cancel any issued visas if circumstances change." If visas have been cancelled because of security assessments or other individual factors, this should be reflected in the stated reasoning for the cancellation. The individuals involved have the right to seek revocation of the visa cancellation. How can they respond to the visa cancellation if they are given no information about what prompted the decision in their case?

3. **Publicity about the cancellation of visas is creating fear among others who have visas to enter Australia.** Anyone from Gaza with a visa for Australia could potentially be excluded because of the deteriorating situation in their home country. As a result, people who face extraordinary obstacles in getting out of Gaza are concerned that their visas could be cancelled at any point in their journey – at the airport of departure, in transit, on arrival in Australia or even some time after they have arrived. The Government owes it to them to be clear about what is happening with visa cancellations – the numbers affected (which appear so far to be smaller than many people are assuming) and the rationale for the decisions.

4. **The visas being offered to people fleeing the conflict in Gaza and Israel are not fit for purpose.** Prior to the war in Ukraine in 2022, we do not recall Subclass 600 visas being used to enable the travel of people directly affected by conflict. While we commend the previous and current Government's preparedness to allow some people to enter Australia temporarily during a time of acute crisis in their home country, Visitor visas were not designed to meet this need. The risk for anyone using this visa in these circumstances is that their visa could be cancelled at any time because they could be assessed as not meeting the visa criteria. When people are seeking to visit Australia to escape an immediate crisis while they assess whether and when they can return in safety, they should be

Suite 4A6, 410 Elizabeth Street
Surry Hills NSW 2010 Australia
Phone: +61 (02) 9211-9333 • admin@refugeecouncil.org.au
Web: www.refugeecouncil.org.au • Twitter: @OzRefugeeCounc
Incorporated in ACT • ABN 87 956 673 083

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

allowed to apply for a visa which is relevant to their circumstances, such as a Subclass 449 Humanitarian Stay Visa. When it is apparent that safe return is unlikely in the foreseeable future, people should have access to permanent visas.

In light of these concerns, we urge the Government to :

- **Reconsider the visa cancellation decisions taken so far**, to assess whether each decision is justified in light of the implications for the individuals concerned.
- **Give very careful consideration before any other decisions to cancel visas** for people from Gaza on their way to Australia.
- Immediately **review the wording of cancellation letters**, to ensure that they clearly reflect the rationale for the decision taken.
- **Provide clear public information** about the number of visas cancelled, the reasoning behind the cancellations and whether there has been any change to the policy outlined on the Home Affairs website, to ensure that those seeking to travel to Australia have current information about the Government's approach to receiving people arriving from Gaza.
- **Consider more appropriate visa options** for people seeking to enter Australia during times of crisis in their home country.

The crises in recent years in Myanmar, Afghanistan, Ukraine, Sudan and Israel/Gaza highlight the need for a more comprehensive approach to assisting people during international conflicts. We and organisations in our network would welcome the opportunity for a more detailed discussion about how Australia could develop an approach to responding to people at times of crisis which is more timely, fair, and accessible.

Yours sincerely,



Paul Power
Chief Executive Officer
Refugee Council of Australia