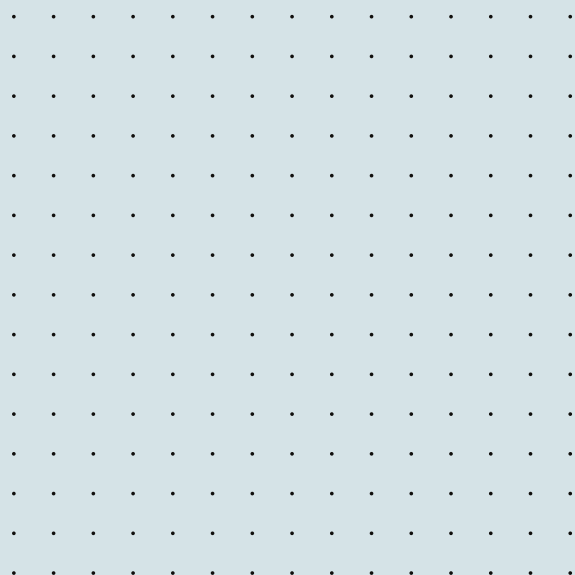




Australian Muslim Women's  
Centre for Human Rights  
*Equality without Exception*



# Submission on Australia's 2024-25 Humanitarian Program

Australian Muslim Women's  
Centre for Human Rights

June 2024



## About us

This submission has been developed by the Australian Muslim Women's Centre for Human Rights (AMWCHR). AMWCHR is an organisation of Muslim women leading change to advance the rights and status of Muslim women in Australia.

We bring over 30 years of experience in providing one-to-one support to Muslim women, young women and children, developing and delivering community education and capacity-building programs to raise awareness and shift prevailing attitudes. We also work as advocates - researching, publishing, informing policy decisions and reform initiatives as well as offering training and consultation to increase sector capacity to recognise and respond to the needs of Muslim women, young women and children.

As one of the leading voices for Muslim women's rights in Australia, we challenge the most immediate and pertinent issues Muslim women face every day. We promote Muslim women's right to self-determination, recognising the inherent agency that already exists, bringing issues of inequality and disadvantage to light.

AMWCHR works with individuals, the community, partner organisations and government to advocate for equality within the Australian context. This submission is designed to contribute greater awareness and understanding of the unique challenges and barriers facing newly arrived and migrant Muslim women engaging in Australian society and their specialised support needs throughout their settlement journey – which we know is complex and varied.

## Acknowledgement of Country

This submission recognises that gender, race, and religion intersect to create multiple forms of discrimination and violence against Muslim women, particularly in a context of growing Islamophobia. It also recognises that preventing prejudice in all forms is bound to the struggles of Aboriginal and Torres Strait Islander communities. Before we can successfully tackle issues within our communities, we must address the ongoing impacts of colonisation, systemic racism, and discrimination in all its forms in this country.

AMWCHR acknowledges the Aboriginal and Torres Strait Islander Peoples of this nation. We acknowledge the Traditional Custodians of the lands our organisation is located on and where we conduct our work. We pay our respects to ancestors and Elders, past and present.

AMWCHR is committed to honouring Aboriginal and Torres Strait Islander Peoples' unique cultural and spiritual relationships to the land, waters, and seas and their rich contribution to society.





## Introduction

The Australian Muslim Women's Centre for Human Rights thanks Minister Giles' office for the opportunity to submit a response to the Discussion Paper on Australia's Humanitarian Program for 2024-2025. The Humanitarian Program (the Program) is an integral part of Australia's migration intake – one that allows our country to fulfil our responsibility to contribute to international efforts to ensure safety and security for people seeking asylum.

This submission outlines AMWCHR's recommendations with regards to the Program for the coming year, with key consideration given to the Program's impact on Muslim women, children, and families in Australia. Services supporting Muslim women and their families who have been settled in Australia on humanitarian visas form a key component of the work we do at AMWCHR. The recommendations given herein are based on insights formed through working from and within communities most affected by the Program and informed by consultations with our staff and community.

**1. a) What is the ideal composition of Australia's 2024-25 Humanitarian Program and why?**

***b) What do you think should be the proportion split between the Refugee and Special Humanitarian Program categories in the offshore component of the Humanitarian Program?***

Australia is a country with a high capacity to make a meaningful contribution towards global refugee resettlement programs, and AMWCHR welcomes efforts to improve and increase our humanitarian intake. However, as it stands, Australia still falls short of meeting our responsibilities and capabilities with regards to refugee resettlement. We acknowledge the Government's increase of Australia's 2024-2025 Humanitarian program to 20,000 places, though remained concerned that actual allocation of visas will again fall short of this goal, as has happened in recent years.

Over the past three decades, Australia's cap on humanitarian visas under the Program has remained between 12,000 and 14,000 places, with exceptions made for years that included special allocations in response to global events. Although for many of these years, the actual allocation of visas remained at or near the cap, in recent years, there has been a considerable under-allocation of visas under the Program.

Placing these numbers in a global context demonstrates Australia's underperformance and inequitable contribution to providing safe settlement for refugees, even if places are increased to the promised 20, 000. According to a recent analysis of ten years of UNHCR data, when it comes to international refugee recognition and resettlement, Australia is ranked 30<sup>th</sup> overall, 41<sup>st</sup> on a per capita basis, and 77<sup>th</sup> relative to national Gross Domestic Product (RCA, 2022).



Evidently, Australia has unfulfilled capacity, capability, and responsibility when it comes to our resettlement contribution.

Another way that the composition and function of the Program can be improved is through changes to the split family provisions. Currently, sponsorship of family who remain at risk overseas is only open to immediate family members (i.e., a spouse or dependent children). This narrow and strict definition of 'immediate family' fails to account for the strong, intergenerational kinship networks of many Muslim, migrant, and refugee communities. To better reflect the diversity of family relationships across cultures, this definition should be expanded beyond the nuclear family to allow refugees to reunite with any family members who remain at risk.

Furthermore, a pressing change to the program is needed to ensure that eligibility for family reunification and for protection visas is not restricted by an individual's visa subclass or mode of arrival. We strongly resist the Government's stipulation within the Discussion Paper that the onshore component of the Program is reserved for 'people who arrive lawfully in Australia' (p.6). We condemn the Government's framing of arriving by boat as an 'illegal' arrival and automatically ineligible for protection visas. This stipulation is discriminatory, inaccurate, and goes against The United Nations Refugee Convention - to which Australia is a signatory. The Convention recognises that refugees have a lawful right to enter a country for the purposes of seeking asylum, regardless of how they arrive. The Convention stipulates that what would usually be considered as illegal actions (e.g., entering a country without a visa) should not be treated as illegal in the context of seeking asylum.

Lastly, when it comes to the proportional split between the Refugee and Special Humanitarian Program categories in the offshore component of the Program, we believe that an equal split is the most appropriate.

In light of the above, it is AMWCHR's recommendation that:

1. The Department increases capacity to assess visa applications to ensure timely granting of visas and a solution to the current backlog. Increased capacity is also required to attend to the many thousands of people who are currently waiting offshore for transfer to Australia.
2. Australia's allocation be increased to a *minimum* of 27,000 places per year - the number recommended by the Expert Panel on Asylum Seekers and endorsed by the Federal Labor Party and Minister Giles' office (Karlsen, 2016 p. 9; ALP, 2021 p. 123). This target should be met within four years.
3. The visas planned but not delivered in the 2019-20 and 2020-21 Programs be delivered immediately, *in addition* to the 2022-23 intake.
4. The composition of the offshore component of the Program be split 50/50 between the Refugee and Special Humanitarian categories.



**2. *The Humanitarian Program continues to face significant pressure, with demand greatly exceeding available places. While priority is given to cohorts who are outside their home country and have the greatest resettlement need, are there other measures the government could take to increase transparency and avoid giving false hope (for example, through changes to application processes)?***

With every annual round of feedback into the Government's Humanitarian Program provided by AMWHCR, we continually stress the importance of clearing backlogs, reducing the administrative load, and processing applications within a reasonable amount of time. There are evidently some considerable and deeply engrained issues within the Department that are causing these delays to continue year after year.

Again, we wish to reiterate that some of this pressure and gap between demand and supply is related to the low allocation of visas that Australia provides comparative to our international obligations. We recognise that the Department faces capacity constraints in processing applications in a timely manner. However, this has been a consistent issue for years and even decades, and consequently, the Department has had sufficient time to rectify capacity constraints.

In the immediate term, we recommend that the Department provide updates to applicants on the status of their applications. Currently, the Department is not providing information related to the progress of applications, unless a decision has been made. This leaves applicants waiting for years without clarity on the status of their visa. There are currently almost 40, 000 people awaiting a decision on their protection visas, and the average number of days from lodgement to primary decision has remained relatively steady or even increased in the past decade (RCA, 2024). As applicants are waiting while on the same conditions as the visa on which they entered Australia, this means that in some cases, access to Medicare and working rights are restricted. These restrictions impact individuals' capacity to care for the wellbeing and development of themselves, their families, and children. It also impacts social and welfare services across the nation as they dedicate capacity to support families that have no access to resources or opportunities to address their basic needs. Social and community services are currently filling gaps left by government services, often doing unfunded work. For those who do have the option to obtain employment and/or receive government benefits, advocacy and support is still required to provide linkages with these opportunities and build capacity to independently engage.

The impact of the uncertainty and long wait times has long-term implications for settlement outcomes for individuals and families. The ambiguity and stress of not knowing what the future might look like hinders new migrants' ability and capacity to establish themselves in their new country, form connections that facilitate belonging, and plan for the future. These impacts can have severe consequences for asylum seekers' mental health and overall wellbeing. We have seen these issues play out amongst our clients at AMWCHR, and know that women and children are especially impacted by the precarity of delays and lack of clarity around visa



outcomes. In some cases, children who have only known life in Australia are denied their right to grow up in this country when, after many years of waiting, their protection visas are denied. Leaving people in precarious visa situations also increases their risk of exploitation, family violence, and poverty, and these issues can become entrenched if no adequate support is available or accessible from the outset.

As we stressed in our Submission into the 2022-2023 Humanitarian Program, these processing delays must be addressed, and more transparency around the process given. Currently, the Department's website does not provide information on the expected waiting times for a protection visa.

To improve transparency and processes of the Program, it is AMWCHR's recommendation that:

1. The Department increases capacity to assess visa applications to ensure timely granting of visas and a solution to the current backlog. Increased capacity is also required to attend to the many thousands of people who are currently waiting offshore for transfer to Australia.
2. That the Department provides regular updates to applicants on the status of their applications to allow individuals and families to plan for their future, manage expectations, and reduce the stress of visa insecurity.
3. That people awaiting results of their applications be granted full working rights, access to Medicare, and other social supports including Centrelink. Asylum seekers should also be supported to pursue education, if desired, through access to HECS-HELP.

### **3. *How can the Humanitarian Program better respond to future resettlement crises?***

Australia's Humanitarian Program must be adaptive and responsive, with enough capacity to respond to emerging issues and emergencies across the globe. The Department must identify and rectify capacity issues if it is ever able to respond quickly when global emergencies arise. It is also important to stress that every individual's case is an emergency, and everyone has the right to have their application processed and relocated to Australia in a timely manner.

One example of how the Humanitarian Program can better support current and emerging crises is related to the occupation of Palestine and the resettlement needs of impacted Palestinians, particularly those fleeing Gaza. There are currently several hundred people who have fled Palestine to Australia in response to Israel's ongoing attacks. These families and individuals have come to Australia on visitor and other short-term visas, and unfortunately, most will not have access to settlement supports upon arrival, nor will they have clarity with regards to their ongoing safety and settlement in Australia. There is an opportunity – and a pressing obligation – for Australia's Humanitarian Program to prioritise and respond to Palestinians in need of



evacuation and safety in Australia. We recognise the difficulties and constraints that the Australian Government faces with regards to supporting people to exit Gaza, as Israel imposes strict control and limits on who is and is not allowed to exit. However, we strongly recommend that the Government applies more pressure, and allocates further funding to expatriate Palestinians to Australia, as well as provides increased support and settlement assistance on arrival. Currently, Palestinians who have arrived in Australia are being supported through community connections and fundraising. The Australian Government has a responsibility to provide urgent support to ensure Palestinians' safety and wellbeing in Australia, particularly in light of the traumatic context in which they have arrived. We also recommend that all Palestinians who have been granted temporary visas be immediately given full working and Medicare rights, as well as the option to be moved onto permanent visas through which they can stay in Australia if they desire.

We welcome the Australian Government's pledge of \$250 million to support Rohingya communities, \$20 million to support refugees in Afghanistan and neighbouring countries, and \$10 million to support people in Sudan and those displaced to neighbouring countries. We wish to see these pledges translated into action as soon as possible, particularly as the crisis in Sudan continues to unfold with many families and individuals in critical need to support and resettlement. It is our recommendation that the allocation of funds and visas to support Sudanese communities is immediately increased, as an addition to the core funding and intake.

To better support emerging, and plan for future crises, it is AMWCHR's recommendation that:

1. The Department address ongoing capacity constraints that prevent adaptive operation of the Program when global crises emerge. While supply of Program visas will always be dwarfed by demand, it is in the Department's power to address wait times. The ability to respond dynamically must be embedded into the program in order to prioritise communities in crisis.
2. The Government allocates further funding to expatriate Palestinians to Australia, as well as provides increased support and settlement assistance on arrival. An allocation of 10,000 in addition to the annual program, should be made to support Palestinian communities. The eligibility for such visas should not be limited to those who have immediate family members in Australia, but also those with wider kinship or community connections.
3. That all Palestinians who have been granted temporary visas be immediately given full working and Medicare rights, as well as the option to be moved on to permanent visas.
4. That the \$10 million pledge to support communities in Sudan is distributed immediately, with transparency around how these funds are spent.
5. That the allocation of funds and visas to support Sudanese communities is immediately increased, as an addition to the core funding and intake. We recommend an additional allocation of 15,000 for Sudanese asylum seekers, to be granted in the 2024-25 intake. Those who receive these visas must be relocated to Australia in the same year.





**4. Scalable complementary pathways for humanitarian entrants require significant financial and in-kind contributions from the private and community sectors. How can the Australian Government best incentivise these contributions and provide the enabling environment for complementary pathways to grow?**

The introduction of the Skilled Refugee Labour Agreement Pilot (SRLAP) may prove effective in providing extra pathways to permanent settlement for asylum seekers. We encourage the expansion of this program beyond the current level of 500 visas, as it has the potential to support families to enter Australia alongside the associated social and financial benefits that a fulfilling career can bring. Allocation of visas from the Skilled Migration Stream to asylum seekers through the SRLAP will also increase Australia's overall humanitarian intake, providing more opportunities within the Program for those who do not qualify for a skilled migration visa.

Despite the overall positives of the SRLAP, some questions remain around this program, including:

- How the program meaningfully differs from the skilled migration visa, if asylum seekers are still required to obtain sponsorship from an Australian employer. While we recognise certain concessions (e.g., reduction of English language requirements, waiver of proof of minimum years of work experience, waiver of skills assessments) the costs remain in line with international hire;
- How governments will ensure that employers are providing adequate workplace and settlement support;
- How refugees will be supported to practise their trade in an Australian context, where Governments are yet to recognise some overseas qualifications; and
- What mechanisms are in place to ensure that visa holders' safety and rights are upheld, and that any risks of exploitation are minimised.

We are concerned about the above points, as the financial obligations the SRLAP places on private employers may discourage its adoption. We also wish to emphasise that this program does not address the consistent barrier experienced within refugee and broader migrant communities related to lack of recognition of overseas skill, experience, and qualifications. The current system for recognition and/or assessment of overseas qualifications is complex, time-consuming, and costly. For those from non-English speaking countries, this process is even more prohibitive. Many refugees who come to Australia are unable to practise their skill, and instead enter into a different profession, or are forced to begin the qualification process all over again at an Australian institution (SCoA, 2019). This is a poor use of refugee communities' time, money, and investment in their education and training. With the opportunity for asylum seekers to permanently resettle in Australia through SRLAP, further support, clarity, and avenues must be provided to ensure that overseas qualifications are recognised.

In light of the above, it is AMWCHR's recommendation that:

1. That the SRLAP be increased from 500 spaces per year to 2000 spaces per year.





2. In order to incentivise employers sponsoring asylum seekers through SRLAP, that all costs associated with obtaining the visas (i.e., legal fees, visa costs, relocation costs) be a) paid for by the Department if the employer is a not-for-profit community organisation, or b) shared between the Department and the employer if the employer is a for-profit organisation.
3. That special avenues to overseas qualification recognition be provided by the Government, in order to support and fast-track asylum seekers' ability to practise their skills in Australia.

**5. *How can Australia best support the economic aspirations of humanitarian entrants to make strong contributions to Australia's economic prosperity?***

In our 2022 submission into Australia's Humanitarian Program (2022-2023), we highlighted the damaging impact of the Government's overreliance on employment and economic contribution as a metric of a "successful" settlement (AMWCHR, 2022). We wish to again stress that the emphasis placed on employment and economic participation is placing an unnecessary amount of pressure on newly arrived refugees, who instead should be supported to adjust to life in Australia without the implication that they are a burden to our economy. While we recognise that employment and financial independence is an important step towards self-determination, this is something which takes time, and the emphasis fails to recognise the many structural barriers that prevent newly arrived refugees from making 'strong contributions to Australia's economic prosperity' from early on in their settlement process.

In recent years, due to changes in federal government funding structures, there has been a shift within the sector towards delivering services that prioritise the Three Es – employment, education, and English. Although these are an important focus that suits many new migrants, we believe that this focus should be in addition to rather than in lieu of services that cater to basic needs and which support the most vulnerable. We also believe that this focus on employment and economic contributions has specific implications for migrant women, many of whom have caring responsibilities towards children and/or elderly parents. Women in the communities in which we work are already taking on a lot of responsibility inside the home to support family members as dynamics change and adapt in response to the momentous change that displacement brings. Some women may never have worked outside of the home before, though face pressure to seek employment for the first time in a completely unfamiliar country and environment. This pressure fails to recognise that this is a considerable adjustment for some women and families. Gaining employment after displacement takes time, and requires a level of familiarity with Australia's systems and services, especially as newly arrived refugee women navigate the many structural barriers to employment that are put in their way.

The emphasis on employment has also changed the way that services are delivered to clients across the settlement services sector. Settlement services are facing pressure to provide employment-related services, even when employment-related support is not what our clients are most in need of. This is demonstrated by the relatively small number of clients who are



referred to AMWCHR for reasons related to employment, as well as the number of clients who have succeeded in finding full-time employment. Of the clients who have been referred to AMWCHR's settlement services in the 2023-2024 financial year to date, only 12 per cent were referred for assistance in finding employment. The majority of our clients are referred to our service for advocacy and advice, family violence, and support related to accessing basic needs including financial hardship and parenting related issues.

The low number of people accessing our services for employment and the high number of people engaging with us for financial and material aid related to basic needs is demonstrative of the priorities of people who have recently been settled in Australia under the Program. We are supporting clients with the basics of form filling and resume writing, on top of essential needs related to food and housing. The level of English proficiency required to access employment in Australia is a level that is built up over years, not months. Clients in the initial stages of settlement are not ready to seek employment and the disproportionate focus on the employment metric of success diminishes our ability to support clients through services most relevant to their needs.

In all our services at AMWCHR we employ a trauma-informed approach to supporting our clients. It is our view that focussing on these basic needs and supporting people on humanitarian visas to settle into Australia without the heavy pressure to learn a new language and find employment in the first six months of arrival will allow for successful settlement in the long term.

To improve the delivery of needs-based and trauma-informed services that support people who have recently arrived in Australia under the Program, it is AMWCHR's recommendation that:

1. That there be increased focus and funding dedicated to supporting people to secure basic needs as the primary focus of settlement.
2. That there be increased investment in housing and food aid to support people in the period after their arrival.
3. That there be increased investment in community organisations to support refugee communities to identify and work towards employment and economic goals, large and small.



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