



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: HRC:CBsb300523

30 May 2023

Dr James Popple
Chief Executive Officer
Law Council of Australia
DX 5719 Canberra

By email: Matthew.Wood@lawcouncil.asn.au

Dear Dr Popple,

Australia's Humanitarian Program 2023-24

Thank you for the opportunity to contribute to the Law Council's submission to the Department of Home Affairs regarding the composition of Australia's Humanitarian Program 2023-24. The Law Society's Human Rights Committee has contributed to this submission.

The Law Society recognises the benefits of safe and lawful pathways to protection, and supports the analysis set out in the Law Council's submission on Australia's 2022-23 Humanitarian Program, dated 19 August 2022. While the Discussion Paper on the 2023-24 Program references the Government's aspiration to 'gradually increase the size of the Program', we note that there was no concrete commitment in relation to the Program in the 2023-24 Federal Budget.

Afghan Nationals

The Discussion Paper sets out the Government's support for the Afghan community, including through a proposed 26,500 dedicated places in the Humanitarian Program for Afghan nationals through to 2025-26. Despite this commitment, we note with concern media reports of long processing times and the fact that in-country applications have effectively stalled, with little communication from the Department of Home Affairs.¹

While we appreciate the constraints arising from the volatile situation in Afghanistan, and the need to manage expectations, we encourage the Government to review its approach to in-country applications for this cohort of Humanitarian visa applicants. The fact that there is limited ability to enrol applicants' biometrics, conduct comprehensive visa interviews, or verify identity and civil documents in Afghanistan, does not necessarily mean that there

¹ 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>; Finn McHugh, 'Albanese government accused of abandoning visa processing for people in Afghanistan'. *SBS News*, 16 March 2023 <https://www.sbs.com.au/news/article/albanese-government-accused-of-abandoning-visa-processing-for-people-stuck-in-afghanistan/r7vto2if2>

should be a cessation of the processing of all in-country applications. If this does prove necessary, the Government should be encouraged to carry forward those humanitarian places allocated to Afghan nationals into subsequent years.

We also encourage the Law Council continue its advocacy to ensure that the Government honours its commitment to facilitating family reunion for Afghan nationals.

Stateless Persons

The Law Society also encourages the prioritisation of pathways to protection for stateless people. We draw attention to the fact that Australia is party to both the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*. At the current time, however, there is no separate visa category for stateless persons and, in the experience of our members, this cohort often face difficulties in meeting the requirements for a Protection visa under the refugee or complementary protection regimes.

Thank you for the opportunity to contribute to the Law Council's submission. Questions at first instance may be directed to Sophie Bathurst, Policy Lawyer, at (02) 9926 0285 or Sophie.Bathurst@lawsociety.com.au.

Yours sincerely,



Cassandra Banks
President