

Enabling a pathway to permanency for people seeking asylum: What can employers do?

Caroline Fleay, Lisa Hartley and Mary Anne Kenny

The Australian Government's announcement in February 2023 granting a permanent visa pathway for 20,000 refugees on a temporary protection visa is to be applauded. This policy change is of profound importance to so many who have been living and working in our communities for more than a decade.

But there are 8,000 other people seeking asylum in Australia who remain without any pathway to permanency after more than a decade due to the unfair "Fast Track" protection process. Many are issued a short-term bridging visa that must be repeatedly renewed and continue to endure enormous stress and uncertainty in their lives. They also face great barriers in accessing higher education and secure employment.

The Australian Government needs to finish the job of enabling people seeking asylum who came by boat more than a decade ago to have a pathway to permanency. This would allow them to finally build a future here and, in the midst of Australia's chronic shortage in skilled workers, enable their opportunity to develop skills and qualifications.

It is in the public interest to facilitate permanent solutions. There should be lawful, dignified and pragmatic pathways given the unfair protection process that people seeking asylum have endured. This would also reflect the family and community ties that so many now have in Australia and the economic contributions they continue to make.

People subjected to "Fast Track" need a meaningful pathway to permanency

The "Fast Track" protection visa process was introduced by the Coalition Government in 2014. The Australian Labor Party rightly criticised "Fast Track" as unfair and committed to reviewing the process.

Many were forced to complete this protection visa application process without a lawyer as most were denied access to funded legal assistance and could not afford the legal fees. This is because during their first few years after arrival, no one was allowed to work.

Those who were refused protection were forced to continue in an unfair process that provided no independent review of the merits of their protection claim decision. Many have spent thousands of dollars on trying to appeal to the courts, but the grounds for appeal are extremely narrow and the outcome can take years. Strict rules mean that people who have been refused through this process are unable to apply for any other visa in Australia without the Minister for Immigration personally intervening in their case.

There are people in this situation who currently do not have the right to work. They also do not have access to welfare assistance which places an enormous burden on their friends and refugee support agencies to pay their rent and buy food.

Many others with the right to work have been working and paying tax for years but have faced great challenges in accessing secure employment while on a temporary bridging visa. Many have sought after skills in areas such as construction, aged care, hospitality and IT.¹

People on a temporary bridging visa also face great barriers in accessing higher education. They are classified as international students and must pay expensive upfront fees to go to university. They are also not eligible for any government-funded student support. Without access to one of the very few substantial scholarships that are offered by some universities, people seeking asylum are effectively denied access to a university education.² This further diminishes their access to secure employment and prevents them from developing skills that could help to address Australia's labour shortages.

For young people seeking asylum who successfully complete secondary schooling in Australia and qualify for entry to university, this situation is particularly devastating. While their permanent Australian school friends have the option to study at university, young people seeking asylum are denied the opportunity to develop their own skills, qualifications and a future in Australia.

People who were refused under the "Fast Track" process must have their cases reviewed as a matter of urgency. A meaningful pathway to permanency must be provided to people where there has been a deterioration in their country of origin, and to those who have family and community ties in Australia or other exceptional circumstances, and those who have been contributing to the Australian economy for years.

What can employers do?

Call on the Australian Government to review the cases of all people seeking asylum subjected to the "Fast Track" process.

Highlight that this would end the dreadful uncertainty that people seeking asylum have endured for more than a decade and allow them to finally settle in Australia. It would also allow them to access higher education and develop the skills and qualifications that are more likely to lead to secure employment, and fill labour shortages.

Ask the Australian Government to take the following actions:

- Re-assess the protection claims of people subjected to "Fast Track" who are from countries where there have been significant changes in country circumstances, such as Afghanistan, Myanmar, Iran and Sudan, and Sri Lanka where country information relied upon by the department is outdated.
- Allow people who have married an Australian citizen or had children in Australia to apply for a Partner visa.
- Allow people with other exceptional circumstances to be granted a permanent visa (such as people who arrived to Australia as a child; those who have been working or running a business in Australia for years; and those with significant mental or physical health issues or have suffered significant personal losses in Australia).
- Grant work and study rights to all people seeking asylum.³

A pathway to permanency is a win-win for people who sought asylum in Australia more than a decade ago, and the Australian community as a whole.

¹ <http://humanrights.curtin.edu.au/wp-content/uploads/sites/27/2022/08/Economic-benefits-of-permanency-briefing-paper-31-August-2022.pdf>

² https://www.ncsehe.edu.au/wp-content/uploads/2018/11/Hartley_PeopleSeekingAsylum_FINAL.pdf

³ For more information, see Kaldor Centre for International Refugee Law (2023) *Policy Brief Addendum to Temporary Protection Visas in Australia: A Reform Proposal*.