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Resolving uncertainty:

How to address the situation for people without a solution

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The Albanese Government's implementation of its 2022 election promise to end temporary protection has enabled more than 20,000 refugees on temporary visas to move to permanent Resolution of Status (RoS) visas, providing certainty for people who have been living and working in Australia for more than a decade. The processing of RoS visa applications is continuing, with 1,000 applications on hand.

However, for others who arrived more than a decade ago to seek refugee protection, the uncertainty continues. Resolving people's immigration status to provide safety for the 7,000 people who were subject to the unfair Fast Track process and the 900 people who were subjected to offshore processing in Nauru and Papua New Guinea (and are now in Australia) is needed and would benefit the wider Australian community.

Given the finite number of people impacted, resolving their uncertainty will allow everyone, including the Australian Government, to move on. There is a desire for the **matter to be brought to a close** given the long time in dreadful conditions as well as uncertainty that people in these situations have already faced.

What is needed

1. Grant permanent visas to people who have been held on Nauru or PNG and are now in Australia but do not have another third country solution available
2. Permit parents whose children have now become Australian citizens to remain with their children and grant them permanent visas
3. Provide a pathway to permanency for people previously rejected through the Fast Track process, acknowledging both the changed circumstances and conditions in their country of origin and the strong connection to and deep roots in Australia

Quick snapshot of the current situation

Who is affected?

- The people facing this uncertainty are a **finite group of people**: 7,000 people who were subject to the unfair "Fast Track" process (including people from countries where conditions have deteriorated significantly) and 900 people who were subject to offshore processing in Nauru and PNG but are now in Australia (the majority of whom are already recognised refugees and two thirds have a close family member who is an Australian citizen or permanent resident).

- Among those without status are parents whose children are now Australian citizens and others who have parents or siblings with citizenship. **Families will be separated** if the situation is not resolved.

What are the issues and opportunities?

- The Fast Track process, which was intended to expedite decisions, has proven to be unfair, as evidenced by the government's recent abolition of its review component. This inefficient, slow process has left 1,000 people waiting for a primary decision, with **average wait times of 864 days, and some exceeding 3,000 days.**
- People who have been refused under the Fast Track process are told to engage in return processes even if country conditions have drastically changed (e.g. Afghanistan, Myanmar, Iran, Sudan, Sri Lanka). This is despite many still waiting for responses for requests for Ministerial Intervention.
- The vast majority of those who were sent to offshore processing had their refugee status recognised in Nauru or PNG and yet only hold temporary status in Australia, leaving them without the safety and security they need.
- The New Zealand Government has indicated that it will finalise its resettlement arrangement of 450 places by June 2025. UNHCR has indicated that the 450 places are fully subscribed and that the expressions of interest exceeded the number of places available. This means that **700 people will remain without any options.**
- Temporary or expired visas make it hard to secure stable employment. The prolonged uncertainty and the harsh conditions experienced during the asylum process in Australia have led to widespread mental health issues, including trauma, isolation, and distress, significantly affecting both individuals and their families. Quietly resolving uncertainty by granting permanent visas would allow people to recover and best contribute to Australia.

Case studies:

Enduring an unfair process: people who have been through the “Fast Track” process

Mina is a single mum with four children, two of whom were granted citizenship 10 years after they were born in Australia. Mina arrived by boat from Iran in 2012 and was forced to apply only through the “Fast Track” system. She was not permitted to apply until 2015 and, even after she did, it took another four years for her to receive a decision. Her application was rejected and she was not able to provide new information at her review because the unfair Fast Track process did not permit it. The situation in Iran has significantly deteriorated since, especially for women and religious and cultural minorities. Mina has applied for Ministerial Intervention to reconsider her case and to ensure that she and her non-citizen children are not separated from her now Australian citizen children.

Forced family separation: people sent to Nauru or PNG and now in Australia

Farid is a father of four from Afghanistan. He was detained and sent to Nauru in 2013. He was medically evacuated from Nauru to Australia in 2017. The remainder of his family, including all four children as well as his siblings and extended family, are Australian permanent residents or citizens. A recognised refugee, he has been encouraged by the Department of Home Affairs to apply for resettlement in New Zealand, but he does not want to be forced to separate from all of his family. The New Zealand Government has also indicated that it would not accept an application that would force a family to be separated, as they prioritise family unity. The most reasonable solution is for Farid to be granted a permanent visa so that he can rebuild his life with his family in Australia.