



Migration Institute
of Australia

MIA Submission Humanitarian Program 2026-27

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Humanitarian Policy Team
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To whom it may concern

The Migration Institute of Australia (MIA) is the leading national professional association representing migration professionals in Australia.

The Migration Institute of Australia (MIA) welcomes the opportunity to make this submission to the Discussion Paper on Australia's Humanitarian Program 2026-27. The contents of this submission were developed by members of our Refugee and Humanitarian Visa Program Advisory Panel.

The MIA submission includes numerous practical policy initiatives for strengthening Australia's world leading humanitarian program. As a wealthy and prosperous nation, Australia has a long, proud and successful history as a refugee resettlement country. This tradition should not be abandoned this despite world tensions and the USA retreating from its previous leadership in this area. If anything, we need to strongly reaffirm our commitment to refugee protection under an orderly international framework.

Critically we recommend the Government honour its longstanding commitment to increase the Humanitarian program to 27,000 which was reaffirmed by the Labor Party national platform in 2023.

Should you require any further information or clarification in relation to this submission, please me at peter.vanvliet@mia.org.au or on (02) 9249 9000. I can also arrange meetings with expert members of our Refugee and Humanitarian Visa Program Advisory Panel if required.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter van Vliet', written in a cursive style.

Peter van Vliet
Chief Executive Officer

Q1. What should the composition of Australia's 2026-27 Humanitarian Program be and why?

Increase the resettlement places and accelerate complementary pathway places

According to the UNHCR, at the end of 2024, there were around 117.3 million people displaced. Conflicts in the Middle East, Afghanistan, Sudan, Syria, Myanmar, and elsewhere continue to produce new displacements. The gap left by the withdrawal of US resettlement capacity and recent reductions in Canada cannot simply be absorbed by existing infrastructure elsewhere; it requires active decisions by remaining resettlement countries to step up.

Australia is one of a small number of countries with the legal framework, processing infrastructure, and settlement capacity to respond meaningfully to this gap. At the 2023 Global Refugee Forum, Australia committed to gradually increasing its Humanitarian Program from its then-base and reaffirmed its commitment to the Global Compact on Refugees. The program was increased to 20,000 places, the highest core intake in over a decade, but this falls short of what the current global situation requires

Australia is well-positioned to increase its intake for several reasons:

- Australia has a mature settlement services sector, complementary pathway infrastructure, and community sponsorship capacity that can absorb increased numbers;
- Australia's geographic position in the Indo-Pacific region makes it the natural primary resettlement country for refugees from Afghanistan, Myanmar, and other regional source countries who would previously have been resettled to the US;
- The reduction in US resettlement capacity has left the United Nations High Commissioner for Refugees (UNHCR) with severely limited options for refugees in the Asia-Pacific region, including those in Indonesia, Malaysia, Thailand, and Pakistan who hold UNHCR status; and
- Australia made explicit commitments at the Global Refugee Forum that have not yet been fully implemented, including the commitment to gradually increase complementary and community-sponsored pathways to 10,000 places annually.

We recommend that the Government:

- *Increase the overall offshore Humanitarian Program to at least 27,000 places per year as a matter of priority, consistent with the commitment made by the Australian Labor Party prior to the 2022 election and in its 2023 National Platform and advocated by civil society at the 2023 Global Refugee Forum;*
- *Adopt an explicit regional burden-sharing framework that allocates a portion of additional places specifically to refugees in Asia-Pacific countries of first asylum (including Indonesia, Malaysia, Thailand, and Pakistan) whose resettlement options have been reduced by the withdrawal of the US program;*
- *Accelerate implementation of the commitment to 10,000 complementary pathway places, including by expanding access to family reunion (outlined below).*

Ban on resettlement of refugees from Indonesia under the Humanitarian program

Since 19 July 2013, refugees and asylum seekers who were intercepted in or remained in Indonesia have been permanently barred from resettlement consideration in Australia. Many of this cohort hold current UNHCR refugee status. They have now spent over a decade in limbo in a country that is not a signatory to the Refugee Convention, offers no pathway to local integration, and does not permit refugees to work or access public services. The human cost is severe and well-documented, including acute mental health deterioration, children who have grown up without formal education or legal status, and ongoing family separation from spouses and children who are Australian citizens or permanent residents.

The bar was introduced as a deterrence measure during a specific period of high maritime arrivals. That rationale has long since expired — maritime arrivals effectively ceased following the commencement of Operation Sovereign Borders in late 2013, and this cohort cannot make maritime voyages to Australia. Continuing to apply the bar serves no policy purpose beyond the punishment of people who have already endured more than a decade of displacement. The MIA submits that it should be lifted, and that a defined resettlement pathway should be established for this cohort as a matter of priority.

We recommend that the Department advise the Government to:

- *Lift the permanent bar on resettlement consideration for refugees and asylum seekers in Indonesia who were subject to the July 2013 policy, where those individuals hold current UNHCR refugee status or have a prima facie protection claim;*
- *Create a dedicated processing pathway, in cooperation with UNHCR Indonesia and the International Organisation for Migration (IOM), to assess and progress resettlement applications from this cohort on a priority basis;*
- *Give priority to cases involving immediate family members of Australian citizens and permanent residents.*

Q4. The Community Support Program (CSP) needs to be reformed. It is heavily oversubscribed, with around 20,000 applicants on hand and an extended wait time of around 8 years, and is no longer delivering its original intent to resettle humanitarian entrants who are job-ready and able to become self-sufficient within 12 months.

4a) What should a redesigned CSP look like?

The CSP should be redesigned as a complementary pathway for refugee and displaced populations, operating outside the Refugee and Humanitarian Program.

This would allow the Refugee and Humanitarian Program to remain focused on vulnerability and protection-based resettlement, while the CSP facilitates sponsor-supported pathways for displaced persons with strong settlement support and community links.

A two-step reform model is recommended:

1. a temporary 1–2 year quota uplift to address the existing legacy caseload; and
2. a permanent complementary pathway, supported by a SkillSelect-style EOI and invitation framework.

To improve fairness and prevent disproportionate utilisation by any one group, places under the new pathway could be allocated across capped streams, for example:

- 30% – community sponsor stream
- 25% – family / diaspora stream
- 25% – regional settlement stream
- 20% – priority geographic / regional stream

4b) What attributes should new CSP applicants have and why?

Eligibility should remain confined to refugee and displaced populations. Applicants should be refugees, stateless persons, or persons displaced from their country of origin who do not have access to a durable solution, such as citizenship or secure long-term protection status in another country.

The Department may draw on the humanitarian need criteria reflected in the Skilled Refugee Labour Agreement Pilot, while excluding any of its employment, English language, qualification or skills-based requirements.

The focus of the new CSP should instead be given to applicants who have:

- strong community or sponsor support
- family or diaspora links in Australia
- identified settlement pathways
- clear prospects for sustainable integration.

These attributes are important because sponsor-supported pathways are most effective where applicants have genuine support networks and settlement readiness.

4c) What kind of delivery model should a new CSP have?

A redesigned CSP should adopt a Department-managed EOI and invitation model.

At EOI stage, a light-touch pre-screening process should confirm refugee or displacement status using indicators such as:

- United Nations High Commissioner for Refugees registration
- host-country protection documents
- temporary protection documentation
- sponsor declarations where formal documentation is unavailable.

Following pre-screening, EOIs should enter a ballot-based invitation pool, with invitations issued in regular rounds according to planning levels and stream allocations.

In line with the parameters within SkillSelect, EOIs should remain valid for 2 years, with invited applicants required to lodge within 60 days.

The current Approved Proposing Organisation (APO) model should be replaced with a 5-year sponsor approval framework, allowing broader access for:

- community organisations
- family and diaspora sponsors
- local councils and regional bodies
- faith-based and charitable organisations.

This would be subject to clear sponsorship standards and compliance requirements. It would also reduce reliance on a small number of APOs and promote greater transparency, competition and accessibility within the program.

Regular reporting should be published on active EOIs, invitations issued by stream, grants and global processing times.

We recommend that the Government:

- *introduce a temporary 1–2 year quota uplift to address legacy CSP applications;*
- *redesign the CSP as a complementary pathway for refugee and displaced populations outside the core Refugee and Humanitarian Program;*
- *adopt a SkillSelect-style Expression of Interest (EOI) and invitation model, with EOIs valid for 2 years and a 60-day lodgement period following invitations;*
- *allocate places across capped quota streams to ensure equitable access;*
- *remove the mandatory APO model and replace it with a 5-year Department-managed sponsor approval framework; and*
- *introduce regular public reporting on EOIs, invitations, grants and processing times.*

Q 5. Are there other reforms you would suggest to program eligibility or prioritisation, or to the onshore protection and/or offshore program more broadly?

Family reunion

There is limited visibility and policy focus on the role that family reunion through the migration program plays for people with international protection needs. While split-family provisions enable immediate family members of resettled refugees to reunite through the Special Humanitarian Program (SHP), certain groups are excluded from accessing family reunion under the SHP. In addition, constraints on program capacity and sustained oversubscription mean that, for some refugee families, the family stream of the migration program may represent the only realistic pathway to reunification.

However, current policy settings do not adequately recognise or respond to the international protection needs of applicants seeking family reunion through the migration program. As a result, these pathways cannot presently be regarded as genuinely complementary. Nevertheless, there is scope to reform family visa settings so they function more effectively as a complementary protection pathway for refugees. Significant work has been done to identify barriers faced by people with international protection needs seeking to reunite with family members ¹

Visa Application Charge (VAC) - concession fees for Partner visas

Application fee concessions are essential because high VACs operate as a structural barrier to family reunion for refugees, who typically have limited financial capacity following displacement and resettlement. VACs, together with associated costs such as health checks and documentation, place family reunion beyond reach for many refugee families, prolonging separation and undermining settlement outcomes. These costs disproportionately affect women and children and are inconsistent with the objective of family unity. Introducing fee concessions would remove an inequitable barrier and enable the Family Stream of the Migration Program to function as a genuinely accessible complementary pathway for refugees, rather than one limited to those with financial means.

Recommendation

- *Introduce an application concession fee for Partner visas for sponsors who hold a Resolution of Status visa, a Protection visa, or a Refugee and Humanitarian visa. Alternatively, allow payment of visa application charges in two instalments, consistent with payment structures used in other visa programs such as the former Subclass 189 (NZ stream). Under this model, one-third of the application fee would be payable at the time of lodgement, with the remaining balance due once all requirements have been assessed as satisfied and prior to visa grant. This approach would defer the bulk of the financial obligation until after substantive assessment is complete, reducing upfront cost pressure on refugee families while remaining administratively practicable for the Department.*

Broaden the definition of 'family' for family reunion purposes.

The current statutory and regulatory definitions of "family" and "child" for the purposes of partner and family visas are unduly narrow and do not reflect the lived realities of refugee and humanitarian families. They fail to accommodate the complex family structures that commonly arise in situations of displacement, conflict and prolonged separation. As a result, many genuine family relationships fall outside the scope of eligibility, leaving refugees unable to reunite with those for whom they have long-standing caregiving, dependency or emotional responsibilities.

¹ SCALES Community Legal Centre and Murdoch University Law Clinic (2023). Family separation and family reunion for refugees: A reform proposal. <https://apo.org.au/node/323241>, Refugee Council UK (2024) Families Belong Together: Fixing the UK's broken family reunion system <https://www-media.refugeecouncil.org.uk/media/documents/Families-Belong-Together-Refugee-Council-and-Safe-Passage-International-2024.pdf>

We recommend that the Government:

- *Amend the definition of member of a family unit in r 1.12 of the Migration Regulations 1994 (Cth) to provide that sub regulation 1.12 (4) is the main definition for member of a family unit for a Partner (Migrant) (Class BC) and Partner (Provisional) (Class UF) where the sponsor is (or was) the holder of a Protection (Class XA) visa; a Refugee Humanitarian (Class XB) visa or a Resolution of Status (Class CD) visa.*
- *Amend the definition of dependent in r 1.05A(2) of the Migration Regulations 1994 (Cth) to add a Partner (Migrant) (Class BC) and Partner (Provisional) (Class UF) where the sponsor is (or was) the holder of a Protection (Class XA) visa; a Refugee Humanitarian (Class XB) visa or a Resolution of Status (Class CD) visa.*

Remove the requirement for a child to be in full-time study for a Child visa

In some circumstances, a refugee may seek to sponsor their child directly, rather than as a dependent in a Partner visa application, including where the child's other parent has died. A Child visa (Class AH) allows an adult "dependent child" to migrate if they are under 25 at the time of application, single, and engaged in full-time study leading to a recognised qualification. While applicants need not be under 25 at the time of decision, those over 18 must remain single and in full-time study.

These requirements exclude many young people from refugee backgrounds, particularly those who are unable to study due to legal restrictions in their country of residence or the denial of education rights, such as young women in Afghanistan.

We recommend that the Department advise the Government to:

- *Amend Migration Regulations 1994 (Cth) cl 101.213 to include a paragraph (3) stating that paragraphs (1)(b) and (1)(c) do not apply to an applicant who is sponsored by a person who is or was the holder of a Resolution of Status, Protection or Refugee and Humanitarian visa.*

The Skilled Refugee Pilot Program

The Skilled Refugee Pilot Program, operated by Talent Beyond Boundaries (TBB), is an important and innovative migration policy development in Australia in recent years. By creating a dedicated employment-linked pathway for refugees with in-demand skills, the program recognises that refugees are not only people in need of protection but also people with skills, qualifications, and professional experience of direct value to Australia's economy and society.

The continued operation of the program on a pilot or temporary basis creates unnecessary uncertainty for all stakeholders—refugees considering whether to engage with the TBB process, employers considering investment in recruitment and onboarding, and migration agents and immigration lawyers advising clients on available pathways. Pilot status also constrains the program's capacity to build the operational infrastructure, employer networks, and processing expertise needed to achieve its full potential.

The MIA recommends a substantial increase in the number of places allocated to the Skilled Refugee program. The current allocation is considerably smaller than the demonstrable employer demand and the available pool of qualified candidates in the TBB Talent Catalog would support. Australia faces well-documented and persistent skill shortages across healthcare, construction, engineering, information technology, and aged care. The skilled refugee cohort can contribute meaningfully to addressing these shortages while simultaneously advancing Australia's humanitarian obligations. The MIA recommends that the program allocation be increased significantly within the current planning period, with a commitment to further growth as processing capacity is developed.

The MIA also notes that processing times for this pathway must be competitive with other employer-sponsored migration streams if employer participation is to be sustained. Employers have genuine alternatives when filling vacancies, and if the humanitarian pathway involves substantially longer timeframes, many will take the path of least resistance. Dedicated processing capacity and clear service standards for this program are essential to its long-term viability.

We recommend that the Government:

- *Grant the Skilled Refugee Pilot Program permanent program status at the earliest opportunity around the completion of the pilot, removing the uncertainty that currently affects refugee candidates, employer sponsors, and advisers;*
- *Significantly increase the annual allocation for skilled refugee places to reflect demonstrated employer demand and the depth of the TBB Talent Catalog, with a commitment to further growth as processing capacity is built.*

Salary Settings under the Skilled Refugee Labour Agreement

The Temporary Skilled Migration Income Threshold (TSMIT) and Core Skills Income Threshold (CSIT) were developed within the mainstream employer-sponsored migration framework as wage safeguards to prevent the undercutting of local labour market conditions.

In practice, many occupations in which refugee applicants possess genuine and readily deployable skills are remunerated below the CSIT / TSMIT, notwithstanding that such salaries remain consistent with applicable industrial instruments and prevailing market conditions. The issue is especially pronounced in regional Australia and in occupations within ANZSCO skill levels 3 to 5, where workforce shortages persist but salary settings may not align with thresholds calibrated primarily to metropolitan and higher-skilled roles.

The existing labour agreement framework already recognises this issue through targeted salary concessions. The Skilled Refugee Labour Agreement currently provides a 10 per cent concession for occupations within ANZSCO skill levels 3 to 5, together with specific salary settings for relevant aged care occupations aligned with the Aged Care Industry Labour Agreement.

These settings provide a sound foundation for expanding the concession model while maintaining threshold integrity and alignment with the applicable Annual Market Salary Rate (AMSR). In particular, alignment with existing Designated Area Migration Agreement (DAMA) settings, particularly the current 15 per cent concession precedent under the Northern Territory DAMA, may provide a suitable policy model.

It is proposed that the concession framework be re-structured as follows:

- designated regional Australia: permit remuneration up to 15 per cent below the CSIT / TSMIT, or the applicable AMSR, whichever is higher, for roles based in designated regional areas;
- ANZSCO skill levels 3 to 5 (anywhere in Australia): increase the current 10 per cent concession to 15 per cent below the CSIT / TSMIT, or the applicable AMSR, whichever is higher;
- aged care occupations: retain the existing salary concession arrangements applying to relevant occupations under the Aged Care Industry Labour Agreement.

This approach would better support participation by regional employers and small to medium enterprises, which are often well placed to provide sustainable employment opportunities and positive long-term settlement outcomes for refugee entrants, while preserving the integrity of existing wage protections and better aligning the salary framework with the distinct objectives of the Skilled Refugee Labour Agreement as a complementary pathway.

It is recommended that the Government:

- *expand the existing salary concession settings under the Skilled Refugee Labour Agreement by adopting a 15% concession model, consistent with existing DAMA precedents, for regional roles and occupations within ANZSCO skill levels 3 to 5;*
- *retain the current aged care salary concessions already aligned with the Aged Care Industry Labour Agreement; and*
- *ensure that all concessional salary settings remain anchored to the AMSR, with the higher of the concessional threshold or AMSR applying.*

Refugee Student Settlement Pathway (RSSP)

The Refugee Student Settlement Pathway (RSSP) is another significant policy innovation within the migration program. The Department of Home Affairs describes the pathway as a pilot enabling eligible refugee students to permanently settle in Australia for tertiary study through a community-supported model involving universities and civil society partners, with visas granted under the existing humanitarian program settings (Global Special Humanitarian visa subclass 202).

This design addresses a longstanding structural gap. In practice, many refugees with strong academic potential are unable to access higher education pathways through standard international student visa settings due to financial barriers, lack of documentation, limited access to English testing, and the temporary nature of those visas. By linking tertiary education with permanent protection and settlement, the RSSP provides a more appropriate and durable pathway.

Early implementation suggests that the model is in high-demand, operationally viable, is capable of contributing to both protection outcomes and Australia's long-term skills needs, and has the institutional support required for scaling.

Limitations of the current model

Notwithstanding its strengths, the RSSP remains limited in both scale and accessibility.

First, the pilot remains very small, with approximately 20 students in the initial intake. While appropriate as a pilot, the pathway will have limited policy impact unless it is placed on a stable, ongoing footing with a defined allocation of places.

Second, current eligibility settings rely on prior registration with the United Nations High Commissioner for Refugees (UNHCR). The Department requires RSSP participants to be registered with UNHCR and meet subclass 202 criteria.

In practice, access to UNHCR registration is uneven and increasingly constrained. UNHCR has acknowledged that, in some contexts, it is unable to conduct registration or refugee status determination, leaving individuals without formal recognition or access to assistance.

In countries of first asylum such as Thailand, UNHCR has publicly indicated that reduced funding has significantly limited registration capacity. As a result, an applicant's inability to obtain UNHCR registration may reflect systemic barriers rather than a lack of protection need.

A strict reliance on UNHCR registration therefore risks excluding highly capable refugee students for reasons unrelated to merit, vulnerability or settlement potential.

Comparative practice

International practice demonstrates that more flexible identification and referral mechanisms are possible.

In Canada, refugee resettlement pathways allow referrals not only from UNHCR, but also from designated referral organisations and private sponsorship groups.²

Canada's private sponsorship framework also recognises refugee status determined by a host state and, in some cases, allows applications to proceed without formal UNHCR recognition where supported by approved sponsors.

This plural approach enables the system to maintain integrity while adapting to gaps in international registration systems.

Recommendations

We recommend that the Department advise Government to:

- *retain and expand the RSSP beyond the pilot phase as a permanent complementary pathway;*
- *establish a dedicated annual allocation of places for refugee students, with gradual growth over time;*
- *ensure that RSSP places are additional to, and do not displace core humanitarian resettlement commitments where possible;*
- *support broader participation by universities, including regional institutions, where capacity exists;*
- *maintain the pathway's protection-sensitive design, including permanent visa outcomes;*

² <https://www.canada.ca/content/dam/ircc/migration/ircc/english/pdf/pub/ref-sponsor.pdf>

- *review the requirement for prior UNHCR registration and introduce more flexible identification pathways, including:*
 - *applicants known to UNHCR but not formally registered;*
 - *applicants holding host-state refugee or asylum documentation;*
 - *applicants referred through approved partner organisations;*
- *establish a discretion mechanism for cohorts affected by registration backlogs or access barriers; and*
- *publish evaluation data on demand, outcomes and operational lessons to support transparency and evidence-based scaling.*