



Australian Government
Department of Home Affairs



Department of Home Affairs second submission to the Inquiry into Australia's Engagement in Afghanistan

Senate Standing Committee on Foreign Affairs,
Defence and Trade

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Table of Contents

| | |
|--|---|
| Introduction | 3 |
| Update on evacuation from Afghanistan | 3 |
| Use of the Humanitarian Stay (Temporary) (subclass 449) visa | 3 |
| Pathways to permanent residence for Afghan evacuees | 3 |
| Provision of immediate settlement services to evacuees | 4 |
| Additional Settlement Support Package for Afghans | 4 |
| Afghan subclass 449 visa holders outside Australia | 6 |
| Humanitarian Program update | 6 |
| Humanitarian visa grants to Afghan nationals | 6 |
| Humanitarian Program Grants to Afghan nationals, 2013–14 to 2021–22 (as at 30 November 2021) | 6 |
| Offshore Humanitarian grants to Afghan LEE, 2012–13 to 2021–22 (at 30 November 2021) | 6 |
| Visa applications and processing | 7 |

Introduction

On 17 December 2021, the Committee wrote to the Secretary of the Department of Home Affairs, Michael Pezzullo, requesting additional evidence in order to prepare the final report for the Inquiry. Specifically the Committee requested updates on the following:

- updates on Australia's humanitarian visa intake from Afghanistan and visa processing issues;
- the capacity, suitability and delivery of settlement programs and support services for Afghans who have arrived in Australia;
- updates on the situation on the ground in Afghanistan since the committee's initial round of evidence-taking for its interim report, including issues relating to the funding and delivery of humanitarian assistance; and
- updates on the wellbeing of Australian Defence Force personnel and veterans since the tabling of the interim report.

This submission provides an update on the first two above matters; the final two being matters for the Departments of Defence and Foreign Affairs and Trade. This submission is in addition to the Department's earlier submission to the Committee of 8 October 2021.

Update on evacuation from Afghanistan

Use of the Humanitarian Stay (Temporary) (subclass 449) visa

Between 18 August and 26 August 2021, Australia evacuated more than 4,100 people from Kabul on 32 flights, including Australian citizens, permanent residents, visa holders and former locally engaged employees (LEEs) and their families.

As outlined in the first submission to the Inquiry, following the fall of Kabul, the Australian Government granted Humanitarian Stay (Temporary) (subclass 449) visas to facilitate the urgent evacuation of Afghan locally engaged employees and other priority Afghan nationals.

Following the formal evacuation phase, Australia has continued to facilitate, where possible, the ad hoc movement of smaller numbers of Afghan nationals to Australia, including subclass 449 visa holders who have departed Afghanistan but were not able to be evacuated in the formal phase. In the post-evacuation phase, the Department is transitioning back to standard visa processes, which provide an avenue for Afghan nationals to seek Australia's protection under the offshore Humanitarian Program.

Between 19 August and 30 November 2021, the Department issued 6,929 invitations for subclass 449 visas, granted 6,095 subclass 449 visas and facilitated the arrival of 4,145 subclass 449 visa holders to Australia.

Pathways to permanent residence for Afghan evacuees

All Afghan evacuees in Australia who hold a subclass 449 visa are being provided with a pathway to permanent residency.

The Department will process any valid permanent visa applications lodged by subclass 449 visa holders prior to their arrival in Australia. This may include Family, Skilled or Humanitarian visas.

In addition, on 12 November 2021 the Government announced changes to Australia's migration legislation to allow Afghan evacuees in Australia who hold a subclass 449 visa to make a valid application for a Refugee and Humanitarian (Class XB) visa in Australia.¹ This aligns, to a practicable extent, visa outcomes for this group with what they would likely have been eligible for through the Humanitarian Program, if they had not needed urgent evacuation from Afghanistan. Evacuees will be able to access legal assistance from various legal service providers to apply for a permanent visa (see *Additional Settlement Support Package for Afghans* below for further information). Visa applications by this cohort are a processing priority under Australia's Humanitarian Program.

¹ The amended Migration Regulations are available here: <https://www.legislation.gov.au/Details/F2021L01546>.

The Department has extended the subclass 449 visas of all Afghan evacuees in Australia for 12 months. This will maintain the evacuees' immigration status while they undergo permanent visa application processes. They will also retain access to Commonwealth settlement, health, welfare and income supports.

The Department is actively communicating with affected subclass 449 visa holders to provide them with more information about the next steps in the visa application process.

Provision of immediate settlement services to evacuees

Of those evacuees who have arrived in Australia, almost 4,800 received support under the Humanitarian Settlement Program (HSP). This included support to a small number of Australian citizens and non-Humanitarian visa holders. On release from quarantine, evacuees requiring assistance are provided with early support through the HSP, including help to secure housing, referrals to health services, and access to social security.

The HSP is delivered by contracted service providers that have long-standing experience working with new arrivals. Based on their level of assessed need, evacuees may be eligible to continue to receive support from the HSP for up to 18 months, during which time they will be assisted to:

- find long term accommodation and be provided with a package of basic household goods to establish their new home
- access mainstream and specialist support services, including family and domestic violence services
- learn English through the Adult Migrant English Program (AMEP)
 - As part of its emergency response to provide settlement assistance to people entering Australia from Afghanistan, the Australian Government has amended the *Immigration (Education) (Specification of temporary visas) Instrument 2021* to add the Humanitarian Stay (Temporary) (subclass 449) visa as an eligible visa for AMEP purposes.
 - Being able to learn or improve their English in the AMEP will help the newly-arrived Afghan evacuees who meet AMEP eligibility criteria to access educational and employment opportunities, and build lasting relationships with other members of the Australian community.
- access employment services, education and training
- complete school enrolment for children
- connect to local community groups and activities, and
- orientate to Australia, including our values and laws.

The majority (70 per cent) of Afghan arrivals assisted under the HSP settled in the major metropolitan locations of Melbourne and Sydney. Over 40 per cent of arrivals were under the age of 18 years. Given the impact on state and territory services, Departmental officials engaged closely with jurisdictions through the Senior Officials Settlement Outcomes Group (SOSOG).

Additional Settlement Support Package for Afghans

The Government is committed to supporting the successful settlement and integration of new arrivals from Afghanistan. The implementation of program activities with \$27.1 million in new funding committed by the Government in October 2021 to support four key measures is well underway. The Department is working with trusted service providers to ensure delivery of this settlement support package is timely, efficient and effective. These additional services will help drive the best possible outcomes for new Afghan arrivals.

Measures to support community organisations - \$8.0 million funding

This funding assists Afghan Australian and other community and grassroots organisations to deliver community based settlement support services to new Afghan arrivals. Successful grant recipients will be selected through an open competitive process. This could include existing Settlement Engagement and Transition Support (SETS) providers in areas with large Afghan populations. The Department consulted closely with the Afghan Advisory Panel to ensure grant parameters for grass roots community organisations are appropriately targeted. The Migration Council of Australia (MCA) will administer the grants on behalf of the Department.

The MCA held three information sessions between 30 November and 14 December 2021 to assist organisations with the grant application process.

As at 4 January 2022, **104** applications have been received. MCA have finalised a Selection Advisory Panel to review and make recommendations on the applications. MCA have also developed Guidelines for potential providers. Funding for the Afghan-Australian Community and Settlement Support grants program is being run over two rounds. Round 1 commenced on 23 November 2021 and closed on 23 December 2021. The second round is yet to be announced.

Measures to support evacuees' transition to permanent visas - \$6.4 million funding for legal support services

This measure funds increased legal assistance to support new arrivals to transition from temporary to permanent visas. The funding will be distributed between jurisdictions on a per capita basis (reflecting the proportion of the subclass 449 caseload that has settled in each jurisdiction). The Government is working with relevant state and territory governments to provide funding directly to high calibre legal assistance providers who are supporting the largest numbers of Afghan evacuees. Contractual arrangements for the distribution of funding through a third party are progressing.

The Department is holding regular discussions with relevant stakeholders to ensure processes to provide assistance and support are in place before the first tranche of subclass 449 visa holders lodge applications for permanent visas in early 2022.

Measures to support economic participation - \$4.8 million funding

This measure funds employment coaching and mentoring to support new arrivals to use their skills and experience to gain employment. The Government estimates up to 800 refugees will be provided support through this program. The program will accept referrals direct from Afghan Australian communities. The Government is using an existing contracted provider to fast-track support to those new arrivals wanting to work as soon as possible.² HOST International is a current SETS service provider, and has a track record in effectively supporting refugees and migrants to establish the resources and confidence required to participate effectively in the labour market.

HOST International is conducting information sessions to promote this initiative with Afghan community members, humanitarian settlement program providers, social enterprises (such as Thrive Refugee Enterprise in South Australia) and potential employers.

A number of professional mentors from a range of fields, including engineering, academia and finance, have expressed interest in being involved. As at 11 January 2022, the Department has received 134 expressions of interest from Afghans for participation in this program.

Measures to increase mental health support - \$7.9 million new funding

This measure increases the capacity of specialist service providers through the Program of Assistance for Survivors of Torture and Trauma (PASTT) to provide priority delivery of torture and trauma counselling to Afghan evacuees. This investment is in recognition of the acute mental health needs of both the established Afghan Australian community and those who have been evacuated, at what is an incredibly distressing time for them. The Department of Health is working as quickly as possible to ensure funds are distributed to each state and territory member agency under the PASTT, through existing funding mechanisms.

² This was announced as part of the 2021-22 Mid-Year Economic and Fiscal Outlook.

Afghan subclass 449 visa holders outside Australia

On 18 November 2021, the Government announced that subclass 449 visas granted to Afghans who supported Australia's mission in Afghanistan, but who have not yet arrived in Australia, will be extended on an ongoing basis. This includes visas issued to certified LEEs employed by the Department of Defence, the Department of Foreign Affairs and Trade, and the Australian Federal Police, as well as persons with other working relationships with the Australian Government, and their families.

Those outside the LEE program who were granted a subclass 449 visa which has now expired, and remain outside Australia, may consider visa options, including under the Migration and Humanitarian Programs. Applicants will receive priority in Australia's offshore Humanitarian Program intake.

Humanitarian Program update

Humanitarian visa grants to Afghan nationals

The Government is working to ensure that visa options continue to be available to Afghan nationals, both within Afghanistan and those displaced from their home country, through Australia's long-standing Humanitarian and Migration Programs.

On 18 August 2021, the Australian Government announced that Afghan nationals will be prioritised for processing within the offshore Humanitarian Program. An initial 3,000 humanitarian places have been allocated to Afghan nationals within Australia's annual program ceiling of 13,750 places. Particular priority will be given to persecuted minorities, women and children, and those with close links to Australia. The Government anticipates this initial allocation will increase further over the course of 2021-22.

The Department will soon contact subclass 449 visa holders and provide notice of the period in which they can lodge their humanitarian visa applications. Work is underway to ensure that the number of bar lifts at any one time does not overwhelm legal or other support services. Applicants will have sufficient prior notice to ensure they are able to lodge their application and associated documentation.

As at 30 November 2021, 783 offshore Humanitarian Program (Class XB) visas had been granted to Afghan nationals. This does not include the 6,095 subclass 449 visas granted to Afghan nationals.

Humanitarian Program Grants to Afghan nationals, 2013-14 to 2021-22 (as at 30 November 2021)

| Component | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 2021-22 |
|--------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|------------|------------|
| Offshore | 2,751 | 1,813 | 1,715 | 1,958 | 1,130 | 1,323 | 619 | 562 | 783 |
| Onshore | 85 | 123 | 131 | 79 | 19 | 48 | 83 | 79 | 21 |
| Total grants to Afghans | 2,836 | 1,936 | 1,846 | 2,037 | 1,149 | 1,371 | 702 | 641 | 804 |

Offshore Humanitarian grants to Afghan LEE, 2012-13 to 2021-22 (at 30 November 2021)

| Subclass | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 2021-22 | Total |
|--------------|------------|-----------|------------|-----------|------------|------------|------------|------------|------------|--------------|
| 200 | <5 | <5 | 6 | 8 | 0 | 0 | 0 | 7 | 7 | 29 |
| 201 | <555 | <60 | 137 | 77 | 108 | 138 | 114 | 268 | 542 | 1,995 |
| Total | 555 | 57 | 143 | 85 | 108 | 138 | 114 | 275 | 549 | 2,024 |

Note:

1. This information is provided by the Department of Home Affairs and was extracted from departmental systems on 6 December 2021. As data has been drawn from a dynamic system environment, the information is correct at the time of publication and figures may differ slightly from previous or future reporting.
2. For privacy reasons < 5 has been used where a number in a table is between 1 and 4.
3. Statistics for the offshore component up to 2018-19 are based on country of birth. From 2019-20 they are based on citizenship. The Country of Birth or Citizenship of the principal visa applicants is applied to secondary visa applicants. The onshore component reports on an applicant's citizenship.

Visa applications and processing

Since the Taliban reclaimed power in Afghanistan, the Department has received an unprecedented number of applications for Refugee and Humanitarian (Class XB) visas.

In mid-August 2021, the Department, through the Special Humanitarian Processing Centre (SHPC), began receiving a surge in lodgements, with an average of **600** new visa applications being received daily. Since 17 August 2021, the SHPC has received over **32,000** Class XB visa applications (representing approximately **144,000** applicants) with over **23,000** of these applications yet to be registered as at 5 January 2022. Applications are acknowledged in writing and processed as quickly as possible, according to their date of receipt.

All visa applications will be processed in accordance with Government announcements and within program priorities, and assessed on an individual basis. All applicants must meet the visa criteria and satisfy public interest criteria for character, security and health.

Processing times can vary according to the particular circumstances of the applicant, their location (be it inside or outside their home country) and their ability to travel, provide documents or access to Australian government officials.

The Department does not have a physical presence in Afghanistan, and visa processing presents significant challenges and security concerns. For example, access to service delivery partners and panel doctors to provide biometric and health checks in Afghanistan remains restricted at this time. The Department continues to process Class XB visa applications for Afghan nationals in third countries. Since the last evacuation flight out of Kabul on 26 August 2021 (to 30 November 2021), there have been **204** Class XB offshore Humanitarian visa grants to Afghan nationals (**52** in the Refugee stream and **152** in the Special Humanitarian Program stream).

For those remaining in Afghanistan, the situation remains highly volatile, and travel throughout Afghanistan can be extremely dangerous. Some borders are closed or may close without notice (as outlined in Smartraveller advice). The Department urges all people remaining in Afghanistan to prioritise their safety and carefully consider the risks should they attempt to leave by any route.