

11 August 2022

Our ref: [ML:HS/YHF]

Confidential

Mr Nathan MacDonald
Acting Deputy Director, Policy Division
Law Council of Australia
19 Torrens Street
Braddon ACT 2612

By email: [REDACTED]

Dear Mr MacDonald

Discussion Paper – Australia’s Humanitarian Program 2022-2023

Thank you for the opportunity to contribute to the Law Council of Australia’s submission to the *Discussion Paper - Australia’s Humanitarian Program 2022-2023 (Discussion Paper)*. The Queensland Law Society (QLS) appreciates being consulted on this issue.

This response has been compiled by the QLS Migration Law Consulting Committee, whose members have substantial expertise in this area.

Our comments relate to a discrete point regarding the reunification of refugee family members through Australia’s Humanitarian Program (**Program**).

We note a key objective of the Program is to reunite refugees and people who are in refugee-like situations overseas with their family in Australia.¹ We understand that an ‘immediate family’ member of a refugee is allocated priority processing status for the purposes of the Program. In this context, ‘immediate family’ is limited to spouse, de facto partner, dependent child or a parent (if the proposer is under 18 years).²

In our view, the scope of ‘immediate family’ should be expanded for the purposes of the Program, so that the term also captures children, parents and siblings, regardless of their age.

¹ Department of Home Affairs, Discussion Paper – Australia Humanitarian Program 2022 – 23 (2022) 2.

² *Migration Regulations 1994* (Cth) 1.12AA.

Our members report that the current legislative framework operates to exclude vulnerable cohorts. For example, under the current legislative framework, our members highlight that a dependent 19 year old would be required to establish a life in Australia without a single family member and with limited prospects of reunification. Further, our members highlight that the narrow scope of ‘immediate family’ means that Australian family members are faced with the prospect of leaving a dependent family member behind, including a widowed mother or single and dependent sibling, in potentially unsafe circumstances.

Accordingly, we recommend that the scope of ‘immediate family’ be expanded to include children, parents and siblings, regardless of their age, to ensure vulnerable cohorts are not excluded from Australia’s Program. Also, it is our view that expanding the definition of ‘immediate family’ is consistent with the Program’s objective of reuniting refugee family members.

Finally, we recommend that the secondary criteria also be amended to be consistent with the definition of ‘member of the family unit’, as that term is defined and used in the *Migration Regulations 1994* (Cth).³

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [REDACTED]

Yours faithfully

[REDACTED]

Kara Thomson
President

³ Ibid 1.12.