

Submission to the Senate inquiry into *Offshore processing and resettlement arrangements*



Acknowledgement of Country

Community Legal Centres Australia recognises that the land we work, live, and learn on is unceded Aboriginal land. Our office stands on Gadigal Land. We acknowledge Elders, both past and present. We acknowledge the First Nations workers in our sector across a great many Aboriginal lands on this continent and its surrounding islands, and we thank them for their generosity and persistence in supporting our sector to always be on a journey of learning and growth.

Introduction

About us

Community legal centres deliver high-quality, rights-based, integrated services to hundreds of thousands of people each year, learn from clients' experiences to understand how laws and legal systems need to be changed, and then advocate for those changes.

Community legal centres work with people seeking asylum, migrants, and refugees, to provide specialist, culturally responsive support across a range of areas of law, including specialised support for people to navigate immigration law problems. Centres also provide culturally responsive support to refugees, asylum seekers and vulnerable migrants in other areas like domestic, family and sexual violence and employment.

Community Legal Centres Australia is the national representative voice for the community legal sector. Our members are the eight state and territory community legal sector peak bodies. Together, we represent 152 community legal centres (including 13 Women's Legal Services), 11 Family Violence Prevention and Legal Services, and two Aboriginal and Torres Strait Islander Legal Services.

About this submission

This submission draws on the expertise of organisations in our membership to set out 7 recommendations to improve integrity and justice in Australia's migration system. It draws from our *Vision for Justice* and *Actions for the 48th Parliament of Australia*, published September 2025, which set out what a fair and just society looks like for Community Legal Centres Australia and the movement we represent, and some practical steps the Federal Government should take to move in the right direction. We also endorse the submission to this inquiry made by our member centre Human Rights Law Centre.

Thank you for taking the time to consider our submission. If you need further information, please contact Emily Hamilton, Advocacy and Communications Manager, on



Our vision for migration justice

The community legal centres movement's vision is for a future where...

Australia respects the human rights of people who cross national borders and meets its international human rights obligations with respect to the treatment of refugees and asylum seekers.

Offshore detention and processing are abolished. Australia cannot and does not remove asylum seekers to third countries for processing or resettlement.

People who are held in immigration detention centres are treated with dignity and their rights to medical care and due process are respected. No children are held in immigration detention facilities.

All refugees and people seeking asylum, regardless of how they arrive, can access due process and clear pathways to permanent residence. People can reunite with their families in a timely and accessible way.

People awaiting immigration decisions live in the community and receive timely outcomes. All people regardless of citizenship or visa status can access the basics for a safe and dignified life, including employment, income support, Medicare, and health and social support services.

People who have an immigration legal problem can access free, high-quality, and timely specialised legal help in the community, in immigration detention centres, and in prisons. Governments recognise the expertise of specialist immigration legal assistance services and provide adequate funding, including for social workers, financial counsellors and other integrated practice professionals.

Read or download our complete *Vision for Justice*.

Summary of recommendations

The Federal Government should urgently act to improve its compliance with international human rights obligations in relation to migration:

1. End offshore processing and close all offshore processing centres
2. Withdraw from regional third-party reception arrangements and stop third country removals.
3. Abolish all forms of temporary protection including Temporary Protection and Safe Haven Enterprise visas and grant all refugees permanent protection visas.
4. Ensure the right to study, work and Medicare, and establish a safety net, so that people at all stages of seeking protection have access to legal assistance, financial assistance, mainstream social support, sustainable housing and healthcare.

The Federal Government should invest in access to justice for people seeking asylum, migrants and refugees:

5. Deliver additional Federal funding through the National Access to Justice Partnership agreement to enable community legal centres to deliver services to refugees, asylum seekers and vulnerable migrants. Ensure new funding acknowledges the expertise of existing services supporting these communities.
6. Work with states and territories to urgently overcome the historical practice of excluding some centres – especially those working in areas of federal law like immigration and employment – from National Access to Justice Partnership funding.
7. Provide a significant additional investment to clear the visa processing backlog at the Administrative Review Tribunal.

Offshore processing and third-party reception arrangements violate the human rights of people seeking asylum, migrants and refugees, and must end.

At least 14 people seeking asylum held in Australian offshore immigration detention centres have died. This includes Reza Barati, a 24 year old Iranian man who was murdered by detention centre staff in 2014, Faysal Ishak Ahmed, a 27-year-old Sudanese man who died in 2016 following a seizure after being repeatedly denied medical assistance, and Omid Masoumali, who died in Queensland after self-immolating in Nauru in 2016. In 2021 the Queensland Coroner found that Omid's death was preventable; that almost three years without the prospect of safe resettlement had led him to despair; and that the Australian Government had known since at least 2014 that the medical facilities in Nauru were inadequate to meet people's needs for mental health support.

In 2015, the UN Special Rapporteur on Torture found that Australia's asylum seeker policies violated the Convention Against Torture. Since 2012, there have been well-documented cases of child abuse and sexual assault, at least five attempted or completed suicides by self-immolation, and hundreds of people have needed urgent court injunctions for medical transfer to Australia because they have been denied healthcare in offshore detention centres.

In 2023, the High Court of Australia handed down a unanimous judgement that detention is a form of punishment and can usually only be inflicted on a person by a court once they are found guilty of a crime. It found that a law authorising administrative detention of a non-citizen by the executive government would only be constitutionally valid if it was reasonably necessary for a legitimate non-punitive purpose. The plaintiff in the case was a person held in immigration detention, in circumstances where there was no real prospect of removal from Australia becoming practicable in the reasonably foreseeable future. So, the Court held that the law authorising the plaintiff's detention was not adapted to the purpose of his removal. In short, it was a ruling against indefinite detention.

In response to this ruling, the Federal Government rushed to pass several migration laws in the face of significant community opposition, and despite strong evidence of the harmful impacts that would follow. One of these laws was the *Migration Amendment Act 2024* (Cth), which enables the Australian Government to pay third countries to agree to accept people being removed from Australia, including recognised refugees. This allows Australia to detain people, including those with Australian citizen family members, and send them to third countries where there are no safeguards against those countries putting them back in detention, or deporting them again to places where they would face persecution. This violates Australia's international human rights obligations by creating the risk of chain refoulement.

The UN Human Rights Committee made a landmark decision in early 2025 that Australia is responsible for the arbitrary offshore detention of people seeking safety who were sent to Nauru and Papua New Guinea. With the decision, the UN issued a firm condemnation of Australia's offshore detention practices. As of January 2025, there were at least 100 people being held in offshore detention centres, including people who had been there for over a year, and people who had been recognised as refugees.

In October 2025, the Australian Government made a secret deal with Nauru for the transfer of migrants and refugees to Nauru. The deal was signed alongside new laws allowing deportations to occur without any consideration of the consequences people would face, such as whether a person might die without proper medical care, be permanently separated from their families, or face persecution in Nauru.

In late 2025, further allegations emerged of corruption enabling human rights abuses. A secret multibillion-dollar detention deal between Australia and Nauru has been revealed by whistleblowers to involve money laundering, bikie gangs, and misuse of government funds. This is not the first instance of corruption connected to Australian offshore detention practices and raises serious concerns about the human rights of the people being transferred offshore.

At Australia's recent Universal Periodic Review (UPR) on 26 January 2026, 13 countries made recommendations specifically in relation to Australia's detention of people seeking asylum, migrants and refugees, and many more made recommendations about Australia's treatment of people seeking asylum, migrants and refugees more broadly.

Offshore processing and third-party resettlement arrangements drive serious corruption risks, at great cost to the Australian Government and people, and to the detriment of people's faith in Government. These arrangements embarrass Australia on the world stage. Most importantly, they cause immense trauma and life-threatening harm to people seeking asylum, migrants, and refugees.

Recommendation 1:

End offshore processing and close all offshore processing centres.

Recommendation 2:

Withdraw from regional third-party reception arrangements and stop third country removals.

People continue to experience harm as a result of Australia's past offshore processing arrangements.

People impacted by previous rounds of offshore processing continue to experience ongoing harm as a result of Australia's migration system. Many of this cohort are now on insecure visas and unable to access necessities for a fair and safe life, or a clear pathway to permanency.

Safe Haven Enterprise Visas (SHEVs) and Temporary Protection Visas (TPVs) are the two types of temporary protection visas available to people who come to Australia by boat. These temporary visas form part of government policy to disadvantage people seeking asylum who arrive by boat.

Temporary visas trap people in a limbo that can harm their mental health and create real risks of family separation. People who hold temporary visas cannot sponsor family members overseas to migrate to Australia. They also remain at risk of deportation out of Australia and away from family members, including Australian citizen family members. This includes migrant women who are victims-survivors of family violence and are fearful about deportation and separation from their Australian citizen children if they leave the relationship.

Many refugees and people seeking asylum who are living in the community are not allowed to work at all, or to access higher education. Many are also denied access to social security payments, Medicare, and a range of other services that support people to live a safe and just life. Being unable to work, or to access income support, social and welfare services, and healthcare can drive people into poverty and homelessness and worsen mental health and trauma. People can feel forced into exploitative work practices to provide for themselves and their dependents. Women experiencing domestic and family violence can feel forced into staying in survival relationships.

People who are prior victims of offshore processing continue to face outstanding issues that need to be urgently resolved. People who continue to carry the trauma of offshore processing must be able to access the things required to live a safe and just life.

Recommendation 3:

Abolish all forms of temporary protection including Temporary Protection and Safe Haven Enterprise visas and grant all refugees permanent protection visas.

Recommendation 4:

Ensure the right to study, work and Medicare, and establish a safety net, so that people at all stages of seeking protection have access to legal assistance, financial assistance, mainstream social support, sustainable housing and healthcare.

People seeking asylum, migrants and refugees are entitled access to due process including access to free, timely, specialised legal and related supports.

Corruption risks arise from a lack of accountability and oversight. Offshore processing removes people from Australia, and from access to due process. It is a far more cost-effective and humane approach to fund legal assistance services to support swift permanent protection processing in Australia, than to spend billions of dollars sending people offshore.

Many refugees and people seeking asylum can't afford private legal help because of government policies that restrict their rights to work and to access social security. Community legal centres are often the only option they can turn to for help.

Community legal centres work with refugees and asylum seekers, as well as with migrant women experiencing domestic and family violence, international students, and migrant workers to provide specialist, culturally responsive support across a range of areas of law.

Immigration law is often very complex and is an area of law in which many legal practitioners don't practice. Migration specialist community legal centres provide free, specialised support for people to navigate immigration law problems.

Refugee specialist community legal centres also provide significant, and crucial, policy expertise to governments and to the broader legal sector.

There are refugee specialist community legal centres in every jurisdiction except the Northern Territory. However, funding for these services is generally inadequate to meet community need, and there isn't consistency in funding quantum. Some services receive no Federal Government funding. Several rely significantly on fundraising to keep their doors open.

Many community services that support people seeking asylum, migrants and refugees do not receive funding to assist people on TPVs. This either leaves people without support, or more commonly leaves services assisting people on TPVs despite the lack of resourcing. This results in an overstretched broader ecosystem of support, and in underreporting of the quantity of work these services are providing.

The National Access to Justice Partnership (NAJP) 2025-30 is an agreement between the Federal and State and Territory Governments surrounding the funding and administration of legal assistance. The Federal Government provides funding, while State and Territory Governments administer it.

The NAJP lists several new priority groups for legal assistance, including vulnerable migrants, asylum seekers and refugees. Despite this welcome inclusion, the Federal Government has allocated no additional funding to enable providers to meet the needs of these people.

Community Legal Centres Australia has consistently called on the Federal Government to commit additional funding to enable service delivery to newly added priority groups. Additional funding has not been delivered.

Centres that work in areas of federal law (including immigration and employment) are often overlooked by states and territories when allocating NAJP funding, but don't receive additional federal funding outside the NAJP. Clients are left without because of buck-passing between federal and state/territory Governments.

The Federal Government must also provide significant additional investment in clearing the visa processing backlog at the Administrative Review Tribunal to ensure that people aren't forced to wait for years to see their claims processed.

Recommendations 5:

Deliver additional Federal funding through the National Access to Justice Partnership agreement to enable community legal centres to deliver services to refugees, asylum seekers and vulnerable migrants. Ensure new funding acknowledges the expertise of existing services supporting these communities.

Recommendation 6:

Work with states and territories to urgently overcome the historical practice of excluding some centres – especially those working in areas of federal law like immigration and employment – from National Access to Justice Partnership funding.

Recommendation 7:

Provide a significant additional investment to clear the visa processing backlog at the Administrative Review Tribunal.