

Senate Inquiry Legal and Constitutional Affairs References Committee ICV Submission

To: Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Date: March 2021

By: Islamic Council of Victoria (ICV)

Brief: The efficacy, fairness, timeliness and costs of the processing and granting of visa classes which provide for or allow for family and partner reunions

The ICV is the peak Muslim body in Victoria representing an estimated 200,000 Muslims with 70 member societies from over 70 diverse ethnic communities. ICV offers advocacy and social welfare services, while also leading state and national initiatives on social cohesion through community consultation and provides advice to government at all levels.

The ICV welcomes the opportunity to provide recommendations and advice to the Senate Inquiry on family and partner reunions. The ICV believes Australia's migration settlement story is largely a positive one and trusts the Government to introduce improvements to the family reunion system based on the recommendations from this Inquiry.

Australia has a rich history of welcoming migrants to this country. However, it has become extremely expensive and difficult for migrants to bring their family members to Australia, with some family reunion visa categories becoming prohibitive.

The ICV calls for a fairer, faster and more affordable system. We express concerns the current system is failing families through lengthy waiting periods and costly applications.

Australian net migration numbers are expected to fall by some 72,000 in 2020-21 as a result of migration restrictions forced by the coronavirus pandemic. The federal government has promised to increase the number of partner visas granted in 2020-21 to 72,300, an increase from 37,118 last year.

Cost Barriers

ICV consultations with members of the Muslim community leadership expressed concerns that the family visa system is currently hurting families in their community through excessive waiting periods, unexplained delays and unreasonable costs. The current system has caused lots of grief and is keeping people in limbo and separated



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from their families without any certainties. The Australian Government is urged to prioritise the importance of reuniting families.

Partner Visas

Many families believe the fees for Sponsoring a Partner are beyond their means - with the excessively high visa charge of \$6865 (plus other associated costs) being a significant barrier.

Currently the backlog of partner visas applicants is estimated to be over 90,000 applications. Applicant's face waiting periods of close to two years or more, with estimated waiting times for parent and aged visa applicants even less clear. This has also compounded their stress during the Covid19 lockdown.

Parent Visas

Sponsoring parents through the non-contributory Parent visa is extremely unlikely as the current waiting time is excessive. Whilst the costs of sponsoring both parents under contributory visas (considerably shorter time) is almost \$100,000, it puts it out of reach for many recently arrived and new and emerging communities.

The restrictive visa charges for the family stream effectively make family reunion possible only for the well-off. Ideally, direct concession rates for the Family Stream should be introduced to alleviate the inequity of the current system. There are, however, ideas which need further consultation. These include consulting with younger families and workers with skills in demand in regional areas who would value having their family and partner reunions visa applications prioritised as part of the Government's regional visa programme.

It is also to be highlighted that having both parents will reduce further financial strains such as cost of child care and the overall wellbeing of the upbringing of the child.

ICV is pleased to make the following **7 recommendations** to the Inquiry:

1. Conduct a management review of
 - operations and administration teams to ensure that it has the capacity, skills, resources and relevant experiences;
 - the support IT systems and technical support; and
 - other support in the areas of country (foreign) specialists and interpreters.
2. Ensure not just the efficient processing of applications and quality decision making but also to provide the reasons why applications succeed or are refused, and any trends, in order to check that both the decision and the underpinning policies are fit for purpose.
3. Any new legislation or major policies be the subject of Parliamentary and stakeholder interest.
4. Expand the eligibility criteria for sponsors and for applicants.
5. Introduce direct concession rates for the Family Stream visa system based on the principles underpinning 'hardship provisions'.
6. Clear out the current backlog visa applications to clear out within a feasible timeframe ie) 24 months.
7. Cap wait times for parent visas at 12 months.

Conclusions

The ICV strongly recommend that a thorough review of Australia's migration programs and policies is made a high priority and focused beyond simply efficient application processing towards more compassionate and innovative outcomes. These may include stronger government and community trust, support for culturally and religiously diverse essential workers and migration levels necessary to Australia's post Covid19 economic recovery.

The Department needs to find a solution to longstanding logistical issues to ensure that the application process is working for less well-off applicants. This will require greater understanding, consideration and sensitivity towards their circumstances.

If the Government is serious about making the system fairer and more cost-effective, and if family reunion genuinely remains a priority, then the Government should fast track the recommendations and proposals from this Senate Inquiry to effect real changes to policy and processes as soon.



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We look forward to working with the Government and the Department to help ensure improvements to the family reunion system and unite families who want to contribute to the nation's Covid19 recovery.

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