



Committee Secretary
Foreign Affairs, Defence and Trade References Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

BY ELECTRONIC SUBMISSION

8 October 2021

Dear Committee Secretary,

Committee inquiry into Australia's engagement in Afghanistan

As members of the Kaldor Centre for International Refugee Law at UNSW, we welcome the

by considering two
complementary measures through which the Australian Government can respond to recent
displacement within and from Afghanistan: a special humanitarian intake, and a pathway for
safe and orderly departure.

If we can provide any further information, please do not hesitate to contact us at
kaldorcentre@unsw.edu.au.

Yours faithfully

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Australia's response to displacement from and within Afghanistan

The Taliban takeover of Afghanistan in August 2021 has exacerbated the displacement of people from and within Afghanistan. The UN refugee agency, UNHCR, estimates that more than half a million Afghans may be forced to flee into neighbouring countries by the end of 2021.¹ Around 630,000 people have been displaced within the country since the beginning of 2021, adding to a total of more than 3.5 million internally displaced.²

There are currently more than 4,000 Afghans who have already sought protection in Australia and are living in this country on temporary visas, faced with the threat of deportation and prevented by the terms of these visas from reuniting with family members. There are also around 55 Afghan nationals held in closed immigration detention, some of whom, as the Australian Human Rights Commission has noted,

³ While the Australian Government has announced that no Afghan visa this essentially temporary response needlessly obstructs stability, which is crucial to a meaningful solution and the ability of refugees to build a life in Australia. ⁴ There are also several thousand Afghan refugees who have been

program.⁶ On 20 September 2021, the United States Government announced a Refugee Admissions Program (USRAP) ceiling of 125,000 for the 2022 fiscal year. Within this expanded intake, Afghans who are both outside and still within their country are designated as priority cohorts for resettlement in the United States. In planning for the 2022 USRAP, the United States Government has recognised the resettlement needs of Afghan refugees who have fled to host countries within the Middle East, Europe, and the Asia Pacific.⁷

2. As of 8 October 2021, the Australian Government has not offered an additional intake of Afghan refugees, but rather has only pledged to allocate around 3,000 existing places *within the nation's 2021-22 resettlement program* (which is capped at 13,750 places) to people fleeing Afghanistan. While welcome, this is not enough; what is needed now are places additional to existing programs. The Australian Government has a demonstrated capacity to offer an additional special humanitarian intake of Afghan refugees. In 2015, Australia offered a special humanitarian intake of 12,000 places for Syrian and Iraqi refugees, which was in addition to the annual humanitarian program (set at 13,750 for 2015-16).
3. By expanding access to protection through a special humanitarian intake for Afghan refugees, the Australian Government can States such as Pakistan and Iran, which are hosting 1.4m and 800,000 Afghan refugees respectively.⁸
Refugee Policy, safe and orderly pathways to protect international solidarity and responsibility-
4. A special humanitarian intake for Afghan refugees should be guided by principles of refugee protection. As noted by the Kaldor Centre, this includes ensuring that Australian Government resettlement processes operate with transparency and consistency, and

A pathway for safe and orderly departure

6. The UN High Commissioner for Refugees, Filippo Grandi, has noted that of the more than 3.5 million internally displaced Afghans, most

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7. The establishment of such channels

12. As the Kaldor Centre has noted, orderly departure programs must be additional to other avenues to protection (such as the right to seek asylum directly through national asylum procedures, and existing annual resettlement programs).¹⁸
13. Orderly departure must have transparent and flexible application criteria and processes, to ensure that individuals who are at risk of persecution or other serious harm can make an informed decision about whether they can apply and safely wait for their application to be finalized. Procedures should be flexible enough to allow individuals to move into another country, and back again if necessary, while their application is in progress. Protection safeguards include the ability of unsuccessful applicants to know the reason for their rejection, to appeal and, if their circumstances