

IT'S TIME FOR AUSTRALIA TO GRANT PERMANENT RESIDENCE FOR LONG-TERM REFUGEES AND PEOPLE SEEKING ASYLUM

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1 EXECUTIVE SUMMARY

Within the Australian community a relatively small number of refugees and people seeking asylum have been living in precarious visa situations for lengthy periods, many for more than a decade. Various factors create this situation including policy and administrative inertia, and cases in which the usual requirements for formal decision-making have not been met, providing no avenue for resolution of visa status. Prolonged visa insecurity creates a sub-class of people in communities and has negative impacts on individuals and families, including risk of exploitation. Prolonged visa insecurity also creates significant costs to government.

Adopting a policy to enable the regularisation of visa status in certain circumstances would significantly improve the lives of people affected, provide benefits to the Australian community, and help to relieve unnecessary administrative pressure on our visa processing system.

Regularisation is a complementary procedure whereby refugees and people seeking asylum are awarded a legal status in their host state (Desmond, 2021). It means that a person can obtain a residence status from a relevant government authority authorising – ‘regularising’ – their stay in the country where they live. This regularisation approach would provide permanent residence to those who currently live precariously without secure visa status and consequently without access to many basic rights. In simplest terms, it is the conferral of a regular residence status to those without it (Cacciapaglia et al, 2025).

This proposed policy response to an intractable and harmful situation is not new to Australia, as it has been used by past Australian governments (see section 2 for more detail). Adopting a regularisation program would be similar to Australia's previous amnesty programs, by being time-specific and cohort-limited. Australia can also draw on policy precedent in many European countries, where it has been implemented successfully to grant permanent residency to people living in an insecure or irregular visa situation.

Regularisation would enable people to live with dignity in Australia. It would also create economic and social benefits for Australian society. Regularisation is a pragmatic approach that is efficient to administer and would remedy the many problems created by unacceptably long delays in the current visa processing system.

Regularisation would comprehensively offer pathways to permanency for people who have lived with visa uncertainty for many years. It would recognise the strong social connections and economic contributions of this distinct cohort of people who have lived in Australia for many years and alleviate the social and political problems associated with prolonged visa insecurity. It would also reduce the administrative costs associated with continually maintaining individuals and families on short term visas, and free up resources to resolve visa processing backlogs.

It is well understood that where many years have passed, it is often no longer reasonable to ask people seeking asylum to submit a claim for protection, given they have been living outside their country of origin for an extended period. It is also retraumatising to have to engage in this process again.

This regularisation approach is consistent with the United Nations High Commissioner for Refugees' (UNHCR) recommendation that, where refugee claims have not been resolved after many years, states should consider appropriate arrangements for persons 'who cannot be expected to leave the country of asylum, due to a long stay in that country resulting in strong family, social and economic links' (UNHCR Executive Committee, 1992).

A regularisation approach applied over a specified period (for example 12 months), would reduce visa backlogs and court caseloads, by reducing visa insecurity in the Australian community. It would also reduce the demand on social services responding to unemployment and poverty associated with the distress and illness due to prolonged visa uncertainty. If provided permanent residency, many people now dependent on charities and the goodwill of others could finally 'settle' and support themselves and fully participate in our Australian communities.

In the first instance, we propose a regularisation process be applied to people seeking asylum and refugees whose visa status has not been conclusively determined within 5 years of their arrival in Australia, or where their protection decision was determined without adequate access to a fair and thorough process. This process would facilitate a simpler, fairer, clearer and more efficient process. It would reduce uncertainty and time delays and provide secure futures for the relatively small number of people seeking asylum and refugees in this situation.

A more systemic approach to resolving their long term visa insecurity is urgently needed.

2 PRECEDENTS — A PROVEN POLICY OPTION

2.1 REGULARISATION POLICIES IN EUROPE

Regularisation is a longstanding pragmatic approach in Europe. There have been over 100 regularisation schemes for undocumented migrants and refugees since 2007 (in Spain; Austria; Belgium; Greece; Ireland; Italy; Luxembourg; the Netherlands; Norway; Poland; Portugal; Turkey; Malta and Switzerland). These are normally implemented for specific periods, and often repeated at later times in response to specific social circumstances. Regularisation has usually been implemented under existing laws and frameworks, rather than requiring the introduction of new legislation. It is a proven policy option to streamline a complex web of regulations, reduce administrative burden, and provide people with full economic and social rights, including a pathway to citizenship.

Regularisation is increasingly utilised as a ‘policy option to bring people fully into the economy, increase tax revenues and redress failures in immigration and asylum law and procedures’ (Bodeux, 2021). It can provide social and economic rights to migrants and foster integration. Between 1996 and 2008, 3.5 million people were regularised in Europe. In Italy, the 2002 ‘amnesty’ regularised 650,000 people, and in Spain, a ‘normalisation’ program regularised 578,375 people in 2005. Many European states consider regularisation a sound policy option to ‘meet labour market demand, bring people into legality, increase fiscal contributions, and also address humanitarian challenges’ (Bodeux, 2021).

In France, between 2000 and 2006, 100,000 regularisations were recorded and 7,000 in 2007 (Bodeux, 2021). During and after the COVID-19 pandemic, there was increased use of this policy option in Europe. Portugal initiated regularisation programs in 2020, and again in 2025 (Desku, 2025).

Spain has had several regularisation schemes over more than two decades. Most recently, a scheme approved by the Spanish cabinet in January 2026 could lead to an estimated 500,000 people (Bohegues, 2026). This scheme is regarded by Spain's deputy prime minister Yolanda Diaz as primarily ‘an employment-based immigration model with procedures designed to grant successive stabilization of residence status’, whereby temporary residence and work permits ‘are converted later into permanent legal status and eventually access to Spanish nationality’ (Finotelli and Rinken, 2023).

The Spanish legislative reform simplifies the procedures to obtain residence and work permits, with a regularisation based on five types of ties: social; socio-educational; socio-professional; family; and second chance (for individuals who failed to renew their residence permits). It also includes a temporary regularisation for rejected asylum seekers, allowing them to apply for a residence permit on other grounds (Warner, 2025).

Ireland introduced regularisation in 2021 for a 6-month period, for about 20,000 undocumented migrants (Gorman, 2022). Then Justice Minister Helen McEntee said the scheme would ‘improve the lives of thousands of people across the country who contribute to our society, enrich our culture and work in our economy but unfortunately still live in the legal shadows’ (Department of Justice, Ireland, 2022). Undocumented migrants who had been living in Ireland for at least 4 years, or 3 years in the case of those who had children, could apply. Successful applicants received immigration permission, access to the labour market and could commence the path to citizenship. Additionally,

people who had applied for asylum and spent at least two years waiting for a final decision on their application were permitted to apply for permission to live and work in Ireland.

2.2 AUSTRALIAN PRECEDENTS

Australia has a history of using regularisation as a mechanism of Australian immigration law and policy. Over many decades, Australian governments have exercised the power to regularise the stay of undocumented persons in Australia, with the support of all major parties (Dehm and Vogl, 2022).

Since 1974, when Australia's first immigration 'dispensation' program was introduced, regularisation has been used by both Labor and Coalition governments to provide humane pathways to permanency for people with an insecure visa status. This meant that 'people living without lawful immigration status could "legalise" their status without risk of punishment or deportation' and could avoid the risks of labour exploitation and prolonged social precarity (Dehm and Vogl, 2025).

In 1976 and 1980, further immigration regularisation programs were offered and supported by both major parties, for people living without lawful immigration status and what were referred to as undocumented people (Dehm and Vogl, 2025). The 1980 'Regularisation of Status Program' (ROSP) was particularly successful, allowing for around 14,000 people to access permanent residency in Australia who would have otherwise been ineligible (Love, 2021).

Factors that drove success in these past Australian regularisation programs include that there were simple and inclusive criteria for eligibility; a clear and affordable application process; a careful campaign for promotion to build trust with migrant communities; and durable outcomes that offered clear pathways to citizenship (Dehm and Vogl, 2025).

Since the 1980 ROSP, Australian governments have implemented pathways to permanency specifically in relation to defined cohorts of people seeking asylum and refugees on a temporary visa to transition to a permanent visa. For example, in 1993, the Australian government granted permanent visas to 42,000 Chinese nationals (mostly students) who had been in Australia since the violence against protesters in Beijing's Tiananmen Square in June 1989 (Department of Immigration and Ethnic Affairs, 1995).

Pathways to permanency have been implemented from 2007 onwards, under the Rudd Labor Government, and subsequently under the Albanese Labor Government since 2023 for particular groups of refugees (Parliament of Australia, 2023).

A regularisation approach is consistent with Australia's current migration legislative framework and recognises the discretionary powers conferred on the Minister of Immigration to grant visas in exceptional circumstances.

3 THE BENEFITS FOR AUSTRALIA OF ADOPTING A REGULARISATION APPROACH

This proposed system to more efficiently regularise visa status would clearly benefit the individuals and families affected, enabling them to truly build their lives in the Australian community and, for most, to work and contribute to the economy. There are economic and social benefits and advantages of efficiency and government savings. It would reduce the burden on decision-makers, with a simpler and more accessible set of criteria that do not require reconsideration of protection

claims or obligations. Further, the Australian government would be meeting its legal and moral obligations.

This pragmatic approach would have many benefits for individuals and would contribute to a more inclusive society. It would tackle the considerable political and social risks associated with leaving a significant number of people with insecure visa status for lengthy periods. Some people seeking asylum and refugees, currently living in the Australian community, first arrived between 11 and 15 years ago. Many have been working for years. They do not have viable options for safe resettlement outside of Australia. Some have close family members, including spouses and children, who are Australian citizens or permanent residents. Others have close family members who are in situations of great insecurity overseas and are not eligible for family reunion because they are on temporary visas.

3.1 ECONOMIC BENEFITS:

There are significant economic benefits to providing permanency (van Kooy, 2021). Research in a range of countries concludes that 'regularisation has a positive impact on a country's economy and GDP' (PICUM, 2025). Regularisation can help tackle labour shortages, including in rural areas with declining populations. It enables people to contribute to the economy with much-needed experience and skills. It also strengthens employment-related rights and tackles job exploitation, and increases tax revenue as people previously denied work rights join the workforce.

Regularisation can stabilise an experienced and trained workforce through the incorporation of the workforce into the labour market, which leads to greater capacity to engage in skilled work. Social and economic inclusion of refugees is beneficial for Australia and 'it is within the country's best interest to best utilise the skills, experience and expertise of those that settle and seek refuge in Australia' (Melbourne Social Equity Institute, 2018).

3.2 SOCIAL BENEFITS:

Regularisation results in profound social benefits. Refugees who were provided a pathway to permanency from 2023 after more than a decade in Australia reported they were 'finally feeling hopeful, positive and safe about life in Australia, and a sense of belonging to the Australian community' (Field and Fleay, 2025). Regularisation also clearly benefits individuals and families by relieving economic insecurity, homelessness and destitution; relieving the stigma of being 'temporary' or in poverty; improving health and well-being; providing the right to work; providing Centrelink support and reducing demand on support services and charities; enabling access to tertiary education; and providing access to family reunion.

Prolonged unresolved visa status can result in financial insecurity, due to limited employment opportunities, stress on family relationships, and serious mental health problems (Field and Fleay, 2025). Regularisation alleviates the distress of extended separations from loved ones. It would resolve the deleterious situation for people seeking asylum who have been here, in some cases, for more than a decade with unresolved visa status.

3.3 ADMINISTRATIVE EFFICIENCY AND GOVERNMENT SAVINGS:

Regularisation provides an efficient and cost-effective process to resolve the status of people who have spent years in visa uncertainty. It eases the significant costs of administration of short-term bridging visas by reducing the backlog of asylum claims and prolonged waiting periods. It has the

advantage of eliminating inconsistency, complexity and lack of clarity; reducing administrative costs of extended visa determination processes; reducing costs associated with immigration detention; reducing demand on government supports; providing an efficient process for people previously detained on Nauru or Papua New Guinea; and eliminating unnecessary load on courts and costs of court appeal processes.

4 IMPLEMENTING REGULARISATION: CLEAR CRITERIA AND A STREAMLINED PROCESS

Regularisation is a practical and common-sense solution to provide justice and permanent status for refugees and people seeking asylum currently living with precarious visa status. In the first instance, we propose a regularisation process be applied to people seeking asylum and refugees whose visa status has not been conclusively determined within 5 years of their arrival in Australia, or where their protection decision was determined without adequate access to a fair and thorough process.

The process needs to be accessible, and not excessively bureaucratic, burdensome or expensive. People in the cohort for whom regularisation is proposed have a legitimate anxiety about dealing with bureaucracy in Australia, given their experience of uncertainty and frustration associated with the prolonged and opaque visa decision making processes.

A successful regularisation programme would have clear criteria for eligibility; participation of civil society in supporting the applicants; flexibility in the documents required; and protections for those holding a temporary visa or no visa while the application is in process (Heylin and Triandafyllidou, 2023).

Prior to the grant of a permanent visa, each person would still have to meet basic visa requirements. However, consideration must be given to the challenges that some people face in meeting identity and character requirements. While relevant to character considerations, minor criminal offences or visa condition breaches should not, by themselves, prevent the grant of a permanent visa.

The regularisation program would be organised around the following guiding principles:

- 1. A clear and accessible process:** The process must be straightforward, with eligibility criteria expressed in clear language. For persons who do not meet identity requirements, due to, for example, difficulties of obtaining official documents due to war and instability in a person's country of origin (Yunespour, 2021), a clear, alternative process for establishing identity should be made available.
- 2. People should not be detained** during the regularisation process.
- 3. Legal advice and support:** Government-funded legal assistance and certified interpreters should be available for all applicants and their representatives, to enhance the accuracy of the application and quality of decision-making.
- 4. Confidentiality:** As some applicants may be reluctant to provide detailed personal information, regularisation should be accompanied by a guarantee that applicants' personal data will not be used for purposes of immigration control and enforcement (Desmond, 2021).
- 5. Consultation:** Migrant-led community organisations should be consulted and engaged as part of the process so that their needs and concerns are properly considered.

While this regularisation program is being actioned, the right to work and remain in Australia should be ensured for everyone meeting the regularisation criteria.

5 CONCLUSION

The case for regularisation is a case for efficient use of government resources and for permanency and security for refugees and people seeking asylum who have been living with visa insecurity for a prolonged period. The implementation of the regularisation program would be time-limited, and cohort-limited. It is proposed as a viable approach to resolve the status of the significant cohort of refugees and people seeking asylum in Australia identified in this article. It would guarantee access to permanent status, ending the considerable suffering and cost to the community associated with long term temporary visa status. It would ensure a simple, accessible and safe process for applicants, and a streamlined and cost-effective administrative process for government (Canadian Council for Refugees, 2014).

Regularisation is an important act of leadership. It shows government commitment to move away from a punitive refugee policy landscape and embrace, rather than vilify, refugees and people seeking asylum in Australia. This would assist in combating corrosive narratives of the far right and contest myths about mass migration. In this way, regularisation would make an important contribution to Australian society and provide a systemic approach to resolving long term visa insecurity.

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¹ This paper draws on the work of the Permanency and Family Reunion Network, which includes people who have lived for long periods with visa insecurity, and representatives of refugee advocacy and activist groups and experts from across Australia.