



End the continuing injustices for refugees on RoS visas: Restricted Family Reunion and Unfair Court Debts

The Letter Kit is available to download:
<https://aran.net.au/resources/letter-writing/>
For information about the ARAN Letter Writing Network
contact: austrefugeenetwork@gmail.com

WHY IT'S IMPORTANT TO WRITE NOW

The vast majority of people seeking asylum who arrived by boat between 2009-2014 and went through the deeply flawed 'Fast Track' protection process have now finally been granted a permanent Resolution of Status (RoS) visa. This is a very welcome outcome for people who have lived in Australia for more than a decade with great uncertainty about their visa status. However, many remain separated from their partners and children who remain in situations of great uncertainty or danger.

However, refugees who hold RoS visa holders face two specific challenges to settling well in Australia. The unfairness that was fundamental to the Fast Track process continues:

- Being denied access to the Humanitarian Family Reunion, having to navigate the more expensive, complex and lengthy family reunion processes under the Family Migration Program.
- Substantial court-related debts that many people accumulated because they had no option other than pursuing appeals in the courts.

Write to Labor, Greens and progressive Independent MPs and Senators urging them to give refugees on a RoS visa a fair go. Contact details are listed below.

Included in this kit is the information you need to create your own letter or email:

- Background notes prepared by ARAN's Letter Writing Network.
- Sample letter or email to politicians
- Contact details for MPs and Senators

Personalised letters and emails are best –

You might like to use the **AIDA** principle in drafting your letter

- **A - Attention** - grab the recipient's attention. Say something positive about the reader that is directed towards the focus of your letter. Stimulate the recipient's curiosity
 - **I - Interest & Information**- encourage the recipient to read on.
 - **D - Desire** - Getting the reader to want to do what you are seeking - in their interest to do so.
 - **A - Action**- inform the reader of the action you want them to take.
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BACKGROUND

Labor has been very clear that the Fast Track process was unfair. It is a credit to the Labor Government that people who sought our protection years ago have now finally been granted a permanent visa. We are calling on the government to complete the restoration of fairness by removing the remaining barriers to settlement.

A. Restricted Family Reunion Processes

Now those who endured the unfair 'Fast Track' have permanency, they can finally apply for family reunion, but they face additional difficulties in reuniting with loved ones.

- People subjected to 'fast track' have not been able to see family members left behind, spouses, children and parents, since before their arrival to Australia more than a decade ago.
- Now, because they were in the 'Fast Track' cohort, they are barred from proposing family members through the Humanitarian visa program (refugee program).
- Instead, they must apply through the regular Migration Program (including the Partner visa program).

This is significant because the regular Migration Program has a much narrower definition of 'family'. The Humanitarian family reunion program for refugees, has a broader definition of 'family', in recognition that families are so often involuntarily separated in the process of fleeing to safety. The Humanitarian Program also grants people access to [settlement services](#) after they arrive. There are also other barriers to family reunion that people subjected to 'Fast Track' endure.

Specific barriers to family reunion for refugees holding RoS visas:

- a) The Migration Program has a restrictive definition of a 'member of the family unit':
 - This is in contrast to the wider concept of family included in the Humanitarian Program, which includes adult children and other unmarried dependent relatives as part of the family unit. This acknowledges that dependency in refugee contexts is not determined solely by age or formal financial support.
 - The definition of 'member of the family unit' for the Partner visa used to be similar to the humanitarian program but was amended in 2016 by the Coalition Government. Prior to this time, any adult child could be included in a Partner visa application if they were a 'dependent child'. The definition also included dependent unmarried adult relatives who resided with the visa applicant.
 - Under the Partner visa program now, only children under 23 are eligible to be included with their parents to reunite.
 - This means that a child who was 11 when their parent fled may now be 23 and legally an adult but still may be dependent and at risk. Some families have had to make the heart-wrenching decision to leave an adult child in an unsafe situation because they have turned 23, and cannot be reunited with their family in Australia.
 - Applying the same approach as the Humanitarian Program to family reunion pathways for refugees seeking to sponsor family members would ensure consistency and fairness.

- b) The Partner visa program has high application fees.
- Partner visa application charges are expensive and were increased by 25% on 1 July 2026.
 - For people applying to bring their partner and children to Australia, the cost can now be more than \$23,000 in visa fees. Applicants also need to meet other costs, such as migration agent fees and airfares.
- c) There are also significant challenges in providing evidence of a de facto relationship for refugees with LGBTQI+ backgrounds.
- Partners in their home countries are often in a particularly precarious situation, being subjected to cultural shame, stigma, and discrimination.
 - They may also struggle to produce evidence of the relationship.
- d) There are often barriers to obtaining documentation.
- War and instability can make it difficult or dangerous to obtain documents, such as passports or identity papers.
- e) The processing of family applications of people who endured 'Fast Track' will now be given lower priority because their family members are not already in Australia.
- In July 2026 the Minister for Home Affairs issued Ministerial Direction 117 which directs the Department of Home Affairs to give highest priority to family visa applications where the primary applicant is in Australia.
 - This means that the Partner visa applications of recent Resolution of Status visa holders will be given lower priority, as their families remain overseas at the time of application.
 - This will effectively make their application process even longer.

All of these uncertainties further prolong family reunion and add emotional and financial strain.
See case studies below the sample letter.

In the interests of fairness, equity and compassion, we call on the government to make the following adjustments to the Partner visa program for refugees granted a RoS visa:

1. Give high priority to Partner visa applications where the sponsor holds a Resolution of Status visa, and a prolonged period of family separation has arisen from their previous immigration status.
2. Change the legal definitions of 'dependent' and 'member of the family unit' to reflect the diverse family structures in many refugee communities (in line with the Humanitarian Program).
3. Introduce visa application fee concessions for refugees.
4. Develop specific guidance around the processing of partners from LGBTIQ+ backgrounds in consultation with relevant community groups.
5. Adapt visa processing to address the challenges obtaining identity documents.

B. Debts to the Australian Government for Court Costs

Debts arising from the flawed 'Fast Track' process are unjust and, for many, financially and emotionally crippling. For most people who were denied protection under the flawed 'Fast Track' protection process, the only hope of getting a positive decision and gaining a permanent visa was by appealing through the court, at considerable expense. Some people sought appeals through both the Federal Circuit and Family Court of Australia.

- Given there were only limited grounds on which the courts could review protection decisions made by the Department of Home Affairs, most court appeals were not successful.
- This meant that many people incurred substantial court-related debts in the form of party/party costs - the costs that an unsuccessful party in a court case is ordered to pay to meet the costs of the winning party. So people were required to pay for the government's court related costs.
- Many people have significant debts, some as high as \$40,000.
- In addition, some had paid many thousands of dollars to lawyers to represent them in court hearings.

The Debt Notices issued by the Department of Home Affairs add yet another layer of extreme anxiety and uncertainty to already traumatised individuals.

- These warnings stipulate that 'an outstanding debt to the Commonwealth can affect future visa grants and/or re-entry into Australia' and that an unpaid debt can affect a person's visa, citizenship or sponsorship applications.

Given the Australian Government has at last granted a pathway to permanency for many who endured the unfair 'Fast Track' protection process, it is unreasonable and punitive to pursue debts associated with discarded court decisions.

In the interests of fairness, equity and compassion, we call on the government to address the court debts issue:

1. Waive existing and outstanding party/party costs for people in the 'Fast Track' cohort who have now been granted permanency
2. Cease issuing further Debt Notices for such court costs.
3. Clearly and immediately communicate these decisions to affected people to alleviate unnecessary distress and uncertainty.

Waiving court debts would recognise the unfairness of the processes people caught in the flawed 'Fast Track' process were subjected to. These changes could be done quietly and does not have to create a precedent.

In Summary

People in the Fast Track cohort have suffered years of injustice and uncertainty. By granting permanent visas, the Labor Government has made a very welcome start to addressing this injustice.

However, without family reunion with their partner and/or children who may still be living in dangerous situations, their safe resettlement is not complete. They need access to the family reunion provisions afforded to other refugees.

For those with accumulated court-related debts, their financial security and successful resettlement in Australia is compromised and unnecessarily delayed.

SAMPLE LETTER

Remember to make this letter your own, drawing on the suggested points above

Ask local MPs and senators to convey your concerns to the PM and relevant Ministers

To the Minister for Home Affairs/MP/Senator

The majority of asylum seekers arriving by boat between 2009-2014 who went through the flawed 'Fast Track' system have finally been granted a permanent Resolution of Status (RoS) Visa. The Government is to be commended for this. However, there remain two barriers to successful resettlement: accrued court debts; and restricted access to family reunion which results directly from receiving RoS Visas rather than Humanitarian Visas and recent policy changes regarding family reunion. The Minister for Home Affairs has the power to rectify these inequities.

Most people denied protection under the Fast Track process, acknowledged by the Labor Government to be deeply flawed, were forced to pursue appeals through the courts. The nature of these appeals meant they were frequently lost, and the petitioner incurred the costs of the defendant (the Department of Home Affairs). These costs range up to \$40,000 in some cases, and some refugees also paid thousands of dollars for legal representation. People on temporary bridging visas were sometimes denied work rights and seldom receiving high wages, so they were doubly disadvantaged. **There is a case study below demonstrating the impact of this situation.**

The second unfair hurdle for RoS Visa holders is their inability to access the same family reunion rights as those with Humanitarian Visas. RoS Visa holders must apply for family reunification through the Family Migration Program. The definition of a member of the family unit is restrictive compared to that under the Humanitarian Visa. The Coalition Government added these restrictions in 2016, resulting in refugees sometimes being unable to reunite with a now adult child who was not yet in their teens when their parent sought asylum in Australia, because they are now 23 years of age or older. **Please see the example of such a case below.**

In addition to the more restrictive options for family reunification for RoS Visa holders, the process takes longer, is assigned lower priority and costs more. The cost can now be more than \$23,000 in visa fees – in addition to costs such as airfares and migration agent fees. It may be difficult to provide the documentation required for Family Migration Visas, compounded by war, etc. The barriers are even greater for LGBTIQ refugees, who may struggle to document their relationship for myriad reasons.

People in the Fast Track cohort have suffered for up to 14 years due to their arrival by sea. The Fast Track process has been recognised as flawed and unfair. Despite the very welcome granting of permanent visas by this Government, RoS Visa holders are hampered in their resettlement by accrued court costs and limited opportunity to reunite with family members left behind.

In the interest of equity and enabling the Fast Track cohort to more fully realise the benefits of permanency, I ask the Minister for Home Affairs to address the excessive costs of court debts and family reunion fees. It is also imperative that family reunification for this group of refugees is brought into parity with that for Humanitarian Visa holders. Please waive the excessive court costs and apply the same rules to family reunification as are applied to Humanitarian visa holders. Let the humanity for which Australia is known be realised.

Yours sincerely

[Name]

[residential address and email]

If you are posting a letter, either print off, sign and send, or hand write your letter.

If you are emailing, just copy the letter into an email – remember to sign off with your name and address, so it is clear you are a constituent (can be checked against the electoral roll)

CASE STUDIES

Family Reunion Processes - Case Study

Amir (not his real name) and his family fled Afghanistan and sheltered in Pakistan for many years. When violence against people of his ethnicity and religion escalated in their area of Pakistan, he decided to take the journey to Australia to try to secure safety for his family. For almost 12 years, Amir remained on a series of Bridging and Safe Haven Enterprise Visas and was precluded from applying to bring his family to live with him. When Amir's permanent visa was finally granted, he immediately applied for visas for his wife and children. However, he discovered that his oldest child, 12 years old when he left Afghanistan, would not be eligible for family reunion given she was now 24. This news was devastating for Amir. He was forced to choose between leaving his whole family together, indefinitely separated from him in an unsafe situation, or leave just one beloved daughter behind on her own. Eventually, Amir made the decision to leave his daughter in Pakistan with extended family and work towards sponsoring her separately in the future. He worries about her constantly, especially as asylum seekers are periodically returned to Afghanistan by the Pakistani government. What should have been a joyous family reunion has been marred with the ongoing grief of having to leave one child behind.

Court Debt Costs Case Study

Vinu (not his real name) arrived in Australia in 2012. When his application for a protection visa was denied, he lodged an appeal through the court system. After an initial Directions Hearing, his case was eventually heard in the Federal Circuit and Family Court of Australia at the end of 2024. Almost a year went by with no word from the court about the outcome of the case. The court then advised Vinu that the Judge who heard the case had retired without making a decision. Another Directions Hearing was proposed to determine how to proceed.

Given that many Fast Track clients with negative determinations had been receiving invitations from the Minister to respond to an offer of a temporary humanitarian visa and a Resolution of Status visa, Vinu's lawyer asked the government lawyers if they could delay the court case to see if an offer would be made to Vinu as it would be a more cost effective way to deal with the matter. The government lawyers dismissed this request and insisted that the matter proceed and Directions Hearing go ahead. Vinu had to quickly find more funds to pay for representation at the additional Directions Hearing. It was there decided that the new Judge would make a decision based on the recording and materials from the day of the original hearing.

Three months later, Vinu was advised that the decision would be handed down in the following week. Just two days after that advice, he received an offer from Home Affairs to apply for the temporary visa and permanent Resolution of Status visa. A few days later, the Judge ruled that Vinu's appeal was unsuccessful and Vinu was ordered to pay the government's legal costs of over \$8,000. This debt remains despite Home Affairs ultimately granting Vinu a permanent visa three weeks after the court decision.

POLITICIANS to write to: CONTACT DETAILS:

If posting letters:

Prime Minister: PO Box 6022, Parliament House, CANBERRA ACT 2600

Minister Tony Burke: PO Box 6022, Parliament House, CANBERRA ACT 2600

Members of the House of Representatives: PO Box 6022, Parliament House, CANBERRA ACT 2600

Senators: PO Box 6100, Parliament House, CANBERRA ACT 2600

Your local MP – find their electoral office address at [Search for individual MPs & Senators here](#)

Sending your letter by email:

- Minister Home Affairs, The Hon Tony Burke: Tony.Burke.mp@aph.gov.au
- Assistant Minister Immigration, The Hon Matt Thistlethwaite
Matt.Thistlethwaite.MP@aph.gov.au
- To find details for individual MPs and Senators use this link to [Search for individual MPs & Senators on the Parliament House website](#)
- You might find this listing helpful: [Listing of all MPs and Senators Aug 2026](#) . Please download the spreadsheet if you want to sort etc for your own use. This spreadsheet was updated in Sept 2025. If you find any errors, please email info@refugeeadvocacynetwork.org.au and we'll make corrections.

Senators by State

- ACT: ALP: senator.katy.gallagher@aph.gov.au;
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- NSW: ALP : senator.ayres@aph.gov.au; senator.mcallister@aph.gov.au; senator.oneill@aph.gov.au;
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GREENS: senator.faruqi@aph.gov.au; senator.shoebridge@aph.gov.au;
- NT: ALP: Senator.McCarthy@aph.gov.au;
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GREENS POLITICIANS

Leader of the Australian Greens: - Senator Larissa Waters (Qld): senator.waters@aph.gov.au

Senator David Shoebridge (NSW): senator.shoebridge@aph.gov.au