

March 2023

AUSTRALIAN COMPLEMENTARY PATHWAYS FOR REFUGEES

POLICY PRINCIPLES

Australia has established, is piloting or has the potential to introduce a range of complementary migration pathways for refugees and others in humanitarian need beyond Australia's long-standing and vital commitment to refugee resettlement. This brief provides an overview of policy and program considerations that crosscut migration pathways for refugees, suggesting core principles that should underlie a coherent [Complementary Pathways Program for Australia](#).

What are complementary pathways for refugees?

Complementary pathways are 'safe and regulated avenues for persons in need of international protection that provide for a lawful stay in a third country where the international protection needs of the beneficiaries are met'.¹ Complementary pathways recognise the importance of ensuring refugee resettlement programs remain focused on providing solutions to refugees with the greatest needs and in cooperation with other international protection actors, but that there are other migration solutions that can provide additional pathways or capacities to provide long-term safety to refugees.

Examples of complementary pathways include [labour mobility programs](#), [education pathways](#), [family reunion](#) and [community sponsorship programs](#).

Why expand and embed complementary pathways?

There is a [critical global need for more durable solutions for refugees](#). As at 30 June 2022 there were 32.5 million refugees in the world.² In 2021, only 57,436 refugees were resettled globally; less than 0.2% of all refugees. For 2023, UNHCR has identified over 2 million refugees in need of resettlement.³ In the lead up to the Global Refugee Forum in 2023 and as Co-Chair of the Global Taskforce on Refugee Labour Mobility, it is in Australia's interests to lead the way in demonstrating the viability of complementary pathways for refugees by building on its existing commitments.

Refugees and others in humanitarian need have [skills, educational and employment aspirations, and families in Australia that make complementary pathways relevant](#). Many would not be considered among priority groups for scarce resettlement places, but still have a strong need for a durable solution. At the same time, there are [systemic barriers](#) preventing refugees from accessing existing migration pathways, such as the inability to acquire required documentation, inability to meet the 'genuine temporary entrant' criteria for some visas, and prohibitively high costs associated with alternative migration pathways.

While durable solutions should be the key objective of a complementary pathways program, refugees coming on different migration pathways offer [many collateral benefits to receiving countries](#) including:

- a way for non-traditional actors to become involved in a 'whole of society' approach;
- greater public awareness of and support for the provision of managed humanitarian migration pathways, as more actors become sensitised to refugee issues and experiences through their involvement in complementary pathways;

¹ UNHCR. [Complementary pathways for admission to third countries](#)

² 26.7 million refugees under UNHCR mandate; 5.8 million Palestinian refugees under UNRWA mandate. UNHCR (2022). [Mid-Year Trends 2022](#)

³ UNHCR (2022). [Projected global resettlement needs 2023](#)

- enhanced social capital for refugee newcomers with members of the Australian community, including private individuals, community associations/networks, clubs and businesses;
- enhanced social cohesion; and
- the potential for diversifying settlement locations within a receiving state.

Current and proposed complementary pathways to Australia

Australia has or is piloting a range of initiatives that could (potentially) be considered complementary pathways for refugees, although only two so far have been in addition to existing commitments made through the Humanitarian Program. Pilot programs such as the Skilled Refugee Labour Agreement Pilot (SRLAP) and Community Refugee Settlement and Integration Pilot (CRISP) **have provided proof of concept that complementary pathways are viable and systemic barriers can be addressed**. Lessons from these pilots can be taken into consideration to design, unlock and expand pathways for refugees going forward, and to create a coherent Complementary Pathways Program.⁴

Core principles for an Australian Complementary Pathways Program

To unlock complementary pathways for refugees and ensure consistency across existing and future pathways, the following principles should underlie policy and program design.

1. A coherent national approach

A strong, logical and coherent national framework for complementary pathways should be articulated by the Australian Government. This should provide a clear ‘menu of options’ for non-traditional actors to become involved in refugee protection as part of a whole-of-society approach to Australia’s refugee response.

2. Additionality

It is essential that admission of refugees through complementary pathways is additional to that facilitated through the Refugee and Humanitarian Program. To be considered complementary, pathways cannot substitute those arriving through UNHCR-referred resettlement programs nor substitute States’ obligations to provide international protection to refugees through access to asylum.⁵

3. Durability

Complementary pathways for refugees need to be durable solutions that uphold humanitarian protection principles – i.e., provide a permanent visa or a clear pathway to permanency – with safeguarding against risk of *refoulement* (returning a person to a place where they face persecution or harm).

4. Accessibility

Refugees and other displaced people (for example, stateless people) require consideration in policy settings to overcome barriers to accessing labour, family and educational migration pathways. Key accessibility considerations within a coherent Complementary Pathways Program include:

- Simplification and/or support to navigate application processes;
- Reduction of visa and associated migration fees;
- Flexibility regarding documentation requirements;
- Support and flexibility on meeting English language requirements;
- Aligning definition of family unit and dependents with that used in Humanitarian Program;
- Ensuring health waiver is applied in alignment with Humanitarian Program; and
- Facilitating access to travel documents.

(Refer to Appendix for more details of accessibility barriers and policy and program responses.)

⁴ For learnings from pilots to date, see [Joint Submission on Complementary Pathways for Refugees and the future of Australia’s Migration System](#).

⁵ UNHCR [Complementary pathways for admission to third countries](#)

5. Supported settlement and a safety net

Refugees arriving through complementary migration pathways will likely have similar experiences and needs to other refugees with regards to navigating life in Australia. Ensuring adequate settlement support is available is imperative. This can be done in different ways, including by drawing on learnings and models of community settlement support offered by the CRISP pilot, community engagement initiatives by settlement providers, and ensuring a referral pathway to settlement services is accessible regardless of the type of visa the migrant holds but on the basis of their needs.

A safety net for refugees coming on Complementary Pathways is vital, including consideration for how to waive waiting periods for access to social security in cases where relationships of support break down.

More information

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⁶ Organisations participating in this coordination group include: Community Refugee Sponsorship Australia, Refugee Council of Australia, Talent Beyond Boundaries, UNHCR, Settlement Council of Australia, Refugee Education Special Interest Group, Settlement Services International, AMES Australia, Australian Red Cross, Host International, and the Australian Assyrian Chaldean Syriac Advocacy Network.

Appendix | Accessibility barriers and policy and program design considerations

Barrier		Policy/program design considerations
Navigating application processes	<p>Complex application processes require specialist knowledge and advanced language proficiency.</p> <p>Refugees are less likely to have the resources to pay immigration lawyers or migration agents to process their visa application.</p>	<p>Simplify the language in application forms wherever possible.</p> <p>Resource intermediaries to assist eligible applicants to navigate visa application processes.</p> <p>Train and allocate specialised visa processing officers.</p>
Visa and migration-related fees	<p>Many refugees do not have work rights in host countries and therefore the ability to work and save.</p> <p>Savings and assets may have been depleted for those living in protracted displacement, meaning high visa and associated fees can be prohibitive.</p>	<p>Waive or reduce visa fees for refugee applicants eligible for complementary pathway.</p> <p>Ensure visa-related fees are considered in cost-sharing arrangements within program design, with responsibility for costs informed by the constraints and capacities of the different stakeholders involved.</p>
Documentation requirements	<p>Some documents currently required for visa application purposes cannot be attained or can put refugees at risk if they are issued by government authorities in countries where refugees have fled or sought asylum.</p> <p>Documents that refugees may not be able to safely or feasibly acquire include: police reports from host or origin countries, birth certificates, passports or other national identity documents.</p>	<p>Allow alternate proof of identity and other documents to be used by refugees to access complementary pathways, including documentation commonly used in resettlement processes within the Humanitarian Program.</p> <p>Ensure visa processing officers are trained and knowledgeable about documentation issues for refugees and requirements for applicants eligible for complementary pathways.</p>
English Language requirements and testing	<p>Refugees may have difficulties accessing English language testing centres to prove language capabilities to meet visa requirements. Access difficulties can be due to testing centres not recognising the legal status or identity of refugees in some countries, lack of testing centres in areas where refugees live, and prohibitive costs.</p> <p>Depending on the visa granted, every secondary applicant with limited English proficiency has to pay an additional fee.</p>	<p>Resource intermediaries to assist eligible applicants to navigate English testing processes.</p> <p>Ensure language requirements for visas are commensurate with the objective of the migration pathway.</p> <p>Ensure eligibility to AMEP for secondary applicants coming on complementary pathway is commensurate with other Humanitarian (XB class) entrants.</p> <p>Waive AMEP fee for secondary applicants with limited English proficiency where the primary applicant is arriving on a complementary pathway.</p>

Barrier	Policy/program design considerations	
<p>Definition of family unit and dependents</p>	<p>The composition of refugee families can vary considerably from the definition of families used in non-Humanitarian migration pathways. For example, a family unit may include adoptive children, younger siblings, parents or orphaned relatives as dependents.</p>	<p>Include criteria aligned to the Humanitarian Program (e.g. definition of family unit) to ensure displaced persons are not subject to more stringent criteria than their humanitarian entrant counterparts when migrating on the basis of their skills.</p>
<p>Health requirement and waiver</p>	<p>Lack of access to adequate, affordable and appropriate healthcare is a significant issue for refugees and other displaced people living in host countries in many parts of the world.</p> <p>Refugees and other displaced people are not automatically exempt from the health requirement if they are applying for a Skilled or Family visa. As a result, someone who may otherwise meet the requirements of a complementary pathway visa can be ineligible.</p>	<p>Include criteria aligned to the Humanitarian Program (e.g. automatic health waiver) to ensure displaced persons are not subject to more stringent criteria than their humanitarian entrant counterparts when migrating on the basis of their skills or family links.</p>
<p>Travel documents</p>	<p>Refugees and others in humanitarian need, including those who are stateless, may not have or be entitled to a passport and require an internationally recognised travel document in order to depart a host country and enter Australia.</p> <p>Some refugees may not be registered with UNHCR or government authorities in the host country.</p> <p>Processes for issuing Convention Travel Documents may not be easily accessible to refugees applying for or coming on Skilled or Family visas.</p>	<p>Resource intermediaries to assist refugees and other displaced persons who have been granted a complementary pathways visa and need to acquire an internationally-recognised travel document.</p> <p>Issue refugees a machine-readable travel document compliant with international norms that adheres to the principles of the Refugee Convention, that allows for return and that can be renewed in the consular offices of the country of asylum.</p>