

REFUGEE LAW AND COMPARATIVE ASPECTS OF SOCIAL JUSTICE  
TABLE OF CONTENTS FOR COURSE MATERIALS

Unit 5:           Overview of Australia's refugee programs

Australia: a Welcoming Destination for Some.....	1
Australia's Humanitarian Programme 2016-2017.....	8
2015-2016 Humanitarian Programme Outcomes.....	20
Australia's Offshore Processing Regime.....	23
Australia's Controversial Asylum Policies.....	27
PNG court rules Australia's Manus detention centre unconstitutional.....	32
What to Know about the Asylum Seeker Standoff on Manus Island.....	36
Fourth Group of Refugees to Leave Nauru for the U.S.....	39



MENU

Share

Share

Home » Migration Information Source

THE ONLINE JOURNAL OF THE MIGRATION POLICY INSTITUTE

## MIGRATION INFORMATION SOURCE

FRESH. GLOBAL. AUTHORITATIVE.

# Australia: A Welcoming Destination for Some

FEBRUARY 15, 2018 PROFILE | By Christine Inglis



An array of Chinese lanterns adorn the Sydney Harbour Bridge area, in recognition of Chinese New Year. (Photo: Jonathan O'Donnell)

For more than two centuries, extensive immigration has underpinned economic and social development in Australia. The immigrant share of Australia's population is high, at 28 percent, and the foreign-born population has grown more diverse over time as the country amended immigration policies that once favored newcomers from European countries. In addition, Australia ranks third among refugee resettlement countries, after the United States and Canada, having resettled more than 840,000 people since 1947.

Yet, over the last decade and a half, political attention has largely focused on the few thousand asylum seekers who have attempted to enter the country illegally by boat. Large numbers of asylum seekers—often in unseaworthy fishing vessels—first arrived in the mid-1970s, following the end of the war in Indochina, but the contemporary debate dates to 2001. In August of that year, the government refused to allow a Norwegian freighter, the *MV Tampa*, to enter Australian waters to unload more than 400 Afghans and Iraqis it had rescued from a sinking ship. The ensuing standoff drew international attention to the government's hard line toward individuals sailing to Australia from Southeast Asia in hopes of gaining asylum.

Almost two decades on, Australian policymakers continue to advance controversial policies to discourage unauthorized boat arrivals and deter the smugglers who transport them, including an offshore detention policy that has been widely criticized by domestic human-rights advocates and the international community. Despite this condemnation, Australia's leaders remain proud of their approach and have held it up as a model for other regions facing high levels of irregular immigration. During the 2015-16 migration crisis in Europe, former Prime Minister Tony Abbott traveled to London to talk up the strict border controls and boat turnbacks that had been a hallmark of his time in office, advising European policymakers to follow Australia's example in order to reestablish order and build public confidence in migration management.

By the beginning of 2018, Australia's continued use of offshore detention centers in Nauru and on Manus Island in Papua New Guinea (PNG) continued to draw major criticism internationally and domestically. In 2016 the PNG Supreme Court declared the Manus Island center illegal and demanded it be closed. Though Australia shut down the facility in late 2017, the majority of arrivals remain on Manus in specially built accommodations where they remained in legal and socioeconomic limbo without any major change in their circumstances.

To place these debates in context, it is necessary to consider Australia's ongoing and far less politically divisive policies on immigration more broadly, including the handling of asylum claims by individuals after their legal arrival in Australia. This article examines historical and contemporary migration trends and debates in Australia, before considering why the debate over spontaneous maritime arrivals has become so contentious. In doing so, it shows that Australia is emblematic of the policy challenges many countries confront, including those generally supportive of international migration.

## Becoming a Diverse Destination

Since European settlement began in the late 18th century, overwhelming the indigenous population, immigration has played a major role in Australia's population growth—in many periods comprising more than half of the annual increase. Between the end of World War II and 2016, the Australian population more than tripled, from 7.4 million to 24.2 million. Twenty-eight percent of Australian residents in 2016 were born overseas—the largest share in more than 120 years. Adding in those with at least one foreign-born parent, nearly half the population is either an immigrant or the offspring of immigrants.

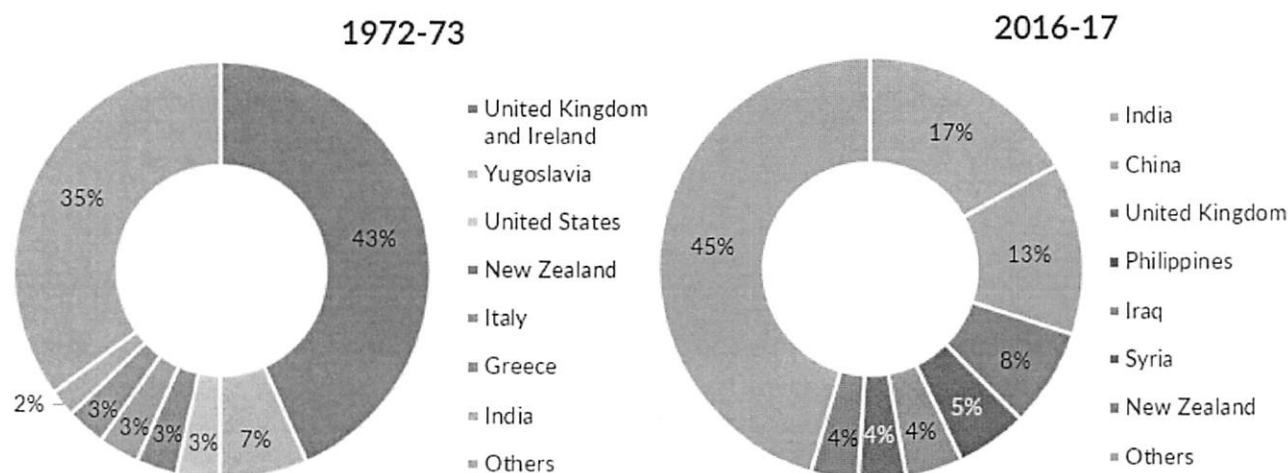
Australia regards immigration as a major nation-building project, in which the government has taken the lead by devising entry and selection policies as well as providing financial assistance to encourage immigration. One of the most significant changes has been a shift away from the preferential treatment of British migrants and toward a nondiscriminatory selection policy in the latter part of the 20th century. Another has been an increasing emphasis on economic selection criteria—for both permanent and temporary migrants—at the expense of permanent family migration, which has been a focus of the migration program since the 1800s.

### End of White Australia

In the second half of the 19th century, concerns grew about competition on the goldfields and other potential threats to the domestic workforce posed by low-wage migrant labor from Asia and the Pacific Islands, leading to discriminatory state laws and regulations. These culminated, shortly after Australia became a federation, with the passage of the 1901 Immigration Restriction Act. This law required a European language test as a means of restricting non-European migration—reflecting existing hostility to non-Europeans and forming the basis of what later became known as the White Australia Policy.

The raft of laws and policies associated with the White Australia Policy never completely excluded non-Europeans. Over time, provisions were made for certain Asian students, merchants, and workers with the language and professional skills needed by businesses and the families of businessmen. After World War II, various regulations central to the restrictionist policies were removed to allow increasing numbers of non-European immigrants to permanently settle in the country, and the White Australia Policy was formally replaced in the 1970s by selection without reference to ethnicity, gender, or religion. This shift also ended the preferential selection and access to Australian citizenship for British immigrants.

Figure 1. Top Origin Countries of Permanent Resident Arrivals in Australia, Fiscal Year (FY) 1972-73 and 2016-17



*Note:* The Australian fiscal year runs from July 1 to June 30.

*Source:* Australian Government Department of Home Affairs, "Historical Migration Statistics," accessed February 9, 2018, [available online](#); and Department of Immigration and Border Protection, "Permanent Additions to Australia's Resident Population," updated December 5, 2017, [available online](#).

Changes in the major source countries reflect this shift to nondiscriminatory selection, as well as the impact of economic, social, and political circumstances in individual countries. In 1972-73, around the formal end of the White Australia Policy, 43 percent of all permanent arrivals were from the United Kingdom and Ireland, while India ranked eighth with 2 percent (see Figure 1). By 2016-17, Indians had taken the lead, constituting 17 percent of the 226,000 permanent arrivals, followed by Chinese (13 percent) and British (8 percent). Other non-European countries also grew in prominence, including the Philippines, Syria, and Vietnam. Underlying the diversity in the source countries are variations in the importance of the three main eligibility selection streams of family, skills, and humanitarian. The skill program is the primary channel for permanent arrivals from India, China, the United Kingdom, the Philippines, Pakistan, and South

Africa; meanwhile, the family reunion program is the major route for those from Vietnam, and the offshore humanitarian program brings in the most Iraqis and Syrians.

Table 1. Top Birthplaces of Australian Foreign-Born Population, 2016

Country	Number	% of Foreign Born	% of Total Population
United Kingdom	1,088,000	14.1	4.7
New Zealand	518,000	6.7	2.2
China	510,000	6.6	2.2
India	455,000	5.9	2.0
The Philippines	232,000	3.0	1.0
Vietnam	219,000	2.9	0.9
Italy	174,000	2.3	0.7
South Africa	162,000	2.1	0.7
Malaysia	138,000	1.8	0.6
Sri Lanka	110,000	1.4	0.5
<b>Top Ten Birthplaces</b>	<b>3,609,000</b>	<b>46.8</b>	<b>15.4</b>
<b>Total Foreign Born</b>	<b>7,708,000</b>	<b>100</b>	<b>32.9</b>
Australian Born	15,694,000	---	67.1
<b>Total Population</b>	<b>23,402,000</b>	<b>---</b>	<b>100</b>

*Note:* These figures exclude short-term visitors.

*Source:* Australian Bureau of Statistics, "2011 Census of Population and Housing: Reflecting Australia - Stories from the Census, 2016 - Cultural Diversity," updated July 20, 2017, [available online](#).

In 2016, among all foreign born, those from the United Kingdom and New Zealand were the two largest groups, accounting for roughly 21 percent of Australia's nearly 7.7 million immigrants (see Table 1). The next four top countries of origin—China, India, the Philippines, and Vietnam—were all in Asia.

#### Economic Criteria in Permanent Migration

The adoption of a nondiscriminatory approach to admissions in the 1970s reshaped the Australian immigration system in a number of important ways. Today, migrants are selected for permanent residence on one of three main grounds: family reunion, economic benefit, or humanitarian need. The numbers of entrants in each of these streams is based on an annual quota determined after consultations with the individual states, community groups, and economic stakeholders.

Australia follows the Canadian practice of using a points system to weigh and adjudicate applications for admission as an economic immigrant, with criteria reflecting changing emphases on age, family ties, language, education, work experience, and occupation. Since the introduction of the Numerical Multifactor

Assessment Scheme (NUMAS) in 1979, the system has favored younger, skilled migrants with knowledge of English—the type of workers required as Australia restructured its economy to better cope with the challenges of globalization, by moving toward knowledge-based industries and away from manual labor. Since the 1980s, special entry schemes have admitted investors and businesspeople, most recently emphasizing innovation and investment. Australia also uses an Employer Nomination scheme, which includes a Regional Sponsored Migration Scheme through which employers can fill vacancies with either permanent or temporary residents.

During the first decade of the 21st century, permanent resident admissions via the Migration Program—which excludes humanitarian arrivals and immigrants from New Zealand—peaked in 2008-09, with a total of 171,800 arrivals. In 2009-10 and 2010-11, the government reduced arrivals by 1.9 percent each year in response to the global financial crisis, as a strategy to avoid negative employment impacts on the population (though arrivals were still more than twice those during 1999-2000). Despite the economic crisis, 64 percent of permanent arrivals in 2009-10 (including dependent spouses and children) were admitted under the economic skilled migration program. In 2016-17, this figure increased to 67 percent of the 183,600 arrivals. These numbers illustrate the long-term trend of prioritizing economic over family criteria in selection, and the prominence of economic immigration reflects the robustness of the Australian economy—and, in particular, the labor needs of the booming resource sector.

The only country whose citizens do not need visas to enter Australia is New Zealand, with which Australia has a common labor market. Migration flows both ways between the countries in response to shifting economic conditions. In 2015, for the first time in 25 years, more Australians moved to New Zealand (25,300) than vice versa (24,500). Many New Zealanders in Australia work and live there on a temporary basis. However, in 2016-17, more than 8,000 New Zealanders entered Australia as permanent residents, nearly 4 percent of all arrivals.

Despite their country's enormous landmass, Australians have historically settled in heavy concentrations around the coast, especially in the six state capital cities. The two largest, Sydney and Melbourne, are collectively home to more than one-third of the population. Not surprisingly, such cities—with their employment opportunities and sociocultural resources—are attractive both to immigrants and the native born. The government has used immigration policy as one means to reverse this trend, by awarding extra points to would-be migrants willing to move to rural areas, while offering them better pathways to recognition of their professional qualifications. The presence of large numbers of foreign-born and -trained medical practitioners in rural Australia is one outcome of such policies.

### *The Expansion of Temporary Migration*

Despite long-held concerns about the potential negative effects of temporary migration on labor market conditions for native-born workers, Australia has expanded opportunities for these flows. This change can be seen as part of the broader trend toward prioritizing economic considerations in Australian migration policies.

One form of temporary movement in particular, tourism, has played an increasingly important part in Australia's foreign exchange earnings since the 1980s. Short-term arrivals have surged in recent years, particularly since 2012, and tourists accounted for three-quarters of these arrivals in 2016. At the same time, government support for education as an international trade initiative has led to a major expansion in the numbers of foreign students entering Australia. In May 2017, there were more than 502,000 international students in Australia, an increase of 14 percent from May 2016. More than half of all international students were from China, India, Malaysia, Nepal, or Vietnam. Australia's growing popularity as an education destination can be partly attributed to policy changes that created opportunities for students to apply for permanent residence immediately after graduation. In 2016-17, about 55 percent of those granted permanent residence under the skills program had applied while in Australia.

Temporary workers have complemented student arrivals. During the 1990s, employer calls for greater flexibility in meeting skilled labor needs—particularly in the booming resource extraction industry—led to the adoption of policies increasing the admission of temporary skilled workers. One such policy was the 457 visa program, created to expedite the entry of highly skilled workers on four-year visas, and expanded over time to cover a wider range of occupations. Since its inception in 1996, the program has been the subject of several government reviews, largely substantiating allegations that employers exploited foreign workers and failed to demonstrate that they were using the scheme to fill legitimate skill shortages.

Seeking to address these concerns and shore up support from his right-wing critics, Prime Minister Malcolm Turnbull announced in April 2017 he was ending the program (though without affecting the 95,000 already holding 457 visas) and replacing it with Temporary Skilled Shortage (TSS) visas. There are two forms of the TSS visa: a two-year visa and a separate four-year visa requiring stronger English and other skills. Both types will require applicants to have at least two years of relevant work experience, and require employers to pay wages at the labor market rate. The list of qualifying occupations was also cut significantly, especially for the four-year visa which alone provides a pathway to permanent residence.

Meanwhile, two other temporary worker programs have faced far less controversy. Motivated largely by diplomatic considerations, the Seasonal Worker Program has brought several thousand temporary workers each year from Tonga, Vanuatu, Timor-Leste, and other island nations since 2012 to work in the

Australian horticulture industry. In addition, the Working Holiday Maker Program allows young people ages 18 to 30 from designated countries to enter Australia for up to 12 months of combined work and leisure. Participants are an important source of casual workers, especially in regional agriculture and in the hospitality and tourism industries. More than 214,000 visas were granted under the program in 2015-16, with the United Kingdom, Germany, and Taiwan comprising the top origins.

### **Humanitarian Admissions Program**

Since World War II, recognition of humanitarian need has been one of the three Australian routes to permanent residence. Australia has long boasted of its acceptance of relatively large numbers of refugees, who are identified for resettlement by the United Nations High Commissioner for Refugees. In 2016-17, Australia granted 24,162 visas under its humanitarian program, the highest intake on record. This includes 10,143 for refugees and 14,019 for “special humanitarian” cases, and makes Australia third among the world’s top resettlement countries, after the United States and Canada. It also committed to increasing its refugee quota to 18,750 in 2018-19. Separately, in 2015, Australia announced it would resettle an additional 12,000 refugees displaced by conflicts in Syria and Iraq, slots it filled by March 2017. As a result, in 2016-17 Syria and Iraq were among the top origin countries of Australia’s overall permanent resident arrivals, as shown in Figure 1.

Australia’s geographic isolation has meant that large numbers of asylum seekers have rarely crossed its borders without legal authorization. The majority of migrants seeking asylum have instead entered Australia legally on short-term entry visas. While waiting to have their refugee claims processed these people can remain but are only allowed to work in special circumstances, and as a result many depend on a range of nongovernmental organizations (NGOs) and community groups for their daily needs. Chinese students in Australia at the time of the 1989 Tiananmen Square massacre represent one of the largest groups of successful asylum seekers. By July 1994, a total of 42,000 had been granted permanent residence.

### **Boat Arrivals Test Australia’s Generosity**

In contrast to refugees who are admitted for resettlement or those who seek humanitarian protection after legally entering Australia, the government’s handling of asylum seekers who arrive by boat without authorization has been contentious. For nearly two decades, Australia’s policy mandating the detention of boat arrivals in offshore processing centers has sparked criticism and condemnation from international allies and human-rights organizations, as well as from a wide variety of domestic groups.

While the number of spontaneous arrivals dropped off after the government introduced hardline interception policies in 2013, some 2,000 people—most vetted and determined to be refugees—have remained in limbo at detention centers in Nauru and on Manus Island in PNG. Under a deal reached by the Obama and Turnbull administrations, the United States agreed to resettle up to 1,250 refugees from either center; in return, Australia would take in Central American asylum seekers intercepted by U.S. authorities.

Since taking office, President Donald Trump has assailed the agreement as a “dumb deal,” and his policies restricting refugee admissions cast doubt on its future. However, the “refugee swap” appears to be moving forward: In late 2017, the first 30 Central Americans arrived in Australia, while the first 54 detainees were resettled in the United States, with a second group of 58 arriving in January 2018. New Zealand has also offered to accept detainees, only to be repeatedly refused by Australia, which argues that the move would merely encourage people-smuggling.

These diplomatic back-and-forths are just the latest in a long line of maritime migration-related tussles that have colored Australia’s international relationships and left the fate of the arrivals hanging in the balance. In 1976, the first wave of “boat people” arrived in Australia from Vietnam, and were accepted after an initial furor. Some 2,000 refugees from Indochina followed over the next several years. The successful implementation of the international Comprehensive Plan of Action to rescue and resettle refugees in the aftermath of the Indochinese crisis led to a dropoff in maritime arrivals, but small numbers began showing up again in 1989.

In an effort to address the renewed irregular maritime flows from Vietnam, Cambodia, and China, the Labor government under Prime Minister Paul Keating in 1992 introduced legislation permitting detention of migrants who arrive in Australia without prior authorization; this became mandatory in 1994. Nevertheless, in the late 1990s boat arrivals suddenly increased, from 200 people in 1998 to 4,175 in 1999-2000 and 4,137 in 2000-01. By the 2000s, the origin countries of maritime arrivals shifted, with those from Afghanistan, Iran, Pakistan, Sri Lanka, and other Middle Eastern and South Asian countries comprising a significant share.

### *The “Pacific Solution”*

An inflection point came in 2001, the year of the *M. V. Tampa* incident. Concerned about the uptick in irregular maritime arrivals, the government refused to allow the *Tampa* to unload on Australia’s Christmas Island the survivors of a sinking vessel packed with would-be asylum seekers, as provided for by

international law. After a three-day standoff, the passengers were transferred to an Australian naval vessel and transported to Nauru, whose government had allowed Australia to establish a detention center for offshore processing of asylum seeker claims.

The use of offshore detention centers in Nauru and then Manus Island became known as the “Pacific Solution,” whereby the Australian government persuaded major recipients of its overseas aid budget to provide detention facilities for irregular maritime arrivals. These arrangements were complemented by legislation that excised Australian islands such as Christmas Island from Australia’s “migration zone,” thereby denying migrants who reach their soil the right to claim asylum in Australia.

The government has largely justified its policy of mandatory detention on national security grounds. While the government has enjoyed considerable support from populist media outlets, the policy has been vocally opposed by refugee advocates, including many associated with churches and the legal and medical professions. Critics point to the abuse of women and children detainees who resort to self-harm in the long wait for their cases to be resolved, and hunger strikes and riots among the detainees. Opponents also criticize the expense associated with detaining maritime arrivals for extended periods—roughly AU \$5 billion (US \$3.96 billion) since 2012.

When the reform-minded Labor Party came to power in 2007, led by Prime Minister Kevin Rudd, it moved swiftly to abandon the Pacific Solution and close the detention centers. Maritime arrivals subsequently picked up again in 2009-10, however, and Rudd’s successor, Prime Minister Julia Gillard, took steps to reinstate some features of the Pacific Solution, including reopening offshore processing centers on Nauru and Manus Island. Meanwhile, with existing onshore detention centers becoming dangerously overcrowded, the government began to move women and children into communities outside the large cities, a proposal that initially drew complaints from local residents who felt they had not been consulted.

In yet another attempt to resolve the situation, in 2011 the Gillard government entered into an agreement with Malaysia to swap 800 asylum seekers who arrived in Australia by boat for 4,000 recognized refugees from Myanmar, then living in Malaysia. However, the Australian High Court dealt a death blow to the Malaysian “Solution” before it could take effect, resolving that it was illegal for the government to send asylum seekers to countries (such as Malaysia, Papua New Guinea, or Nauru) that had not signed the UN Convention on Refugees or could not adequately protect asylum seekers. Many of the arrivals in this period were also unaccompanied minors who, according to the judgment, could not be sent offshore.

Though Australia has also tried to enlist other, primarily poor, countries to accept asylum seekers, these efforts have largely proven fruitless. An ill-fated deal reached with Cambodia in 2014, for example, saw just four refugees moved from Nauru to Cambodia, where conditions led all to decide—within a year—to return to their countries of origin.

### *Operation Sovereign Borders*

Though maritime arrivals fell in 2011, they began rising again in 2012, hitting a new record in 2013 with more than 20,700 arrivals. This set the stage for a full-blown political crisis, and irregular migration figured prominently in the 2013 election campaign. Despite the declaration during Rudd’s second tenure as Prime Minister that those who arrive by boat would not be eligible for resettlement, his Labor government suffered massive electoral losses and a Liberal-National Coalition took power.

On Prime Minister Tony Abbott’s first day in office, he created Operation Sovereign Borders, a comprehensive, military-led strategy to stop unauthorized maritime arrivals from reaching Australia. The number of boats arriving dropped dramatically, from a high of 48 in July 2013 to just one in all of 2014, and none the following two years.

The hardline methods used, including turnbacks and towbacks, prompted a number of legal and diplomatic rows, however. Relations between Australia and Indonesia deteriorated in 2015, following reports that Australia had paid smugglers to return intercepted migrants to Indonesian waters, a potential breach of international law.

Most of the asylum seekers intercepted have been detained indefinitely in the offshore processing centers in Nauru and Manus Island, where many have spent years waiting for their claims to be processed. In 2016, *The Guardian* published a bombshell report based on leaked documents detailing incidents of abuse, self-harm, and trauma among the detainees in Nauru, including many children. The report appeared to confirm allegations that facility conditions constituted human-rights violations. Further, accounts of self-immolation and detainees dying from lack of medical attention raised concerns about physical and mental health care in the centers.

The offshore detention policy has faced several legal challenges. In April 2016, the PNG Supreme Court ruled that the Manus Island center was illegal, violating detainees’ basic right to liberty, and though the Australian High Court disagreed, the governments shuttered it in late 2017. Most of the detainees were forcibly relocated to alternative accommodations on the island pending a final resolution of their situation. As for the recognized refugees, some were offered resettlement in the United States under the 2016 agreement. Those whose claims were rejected have been told to return to their countries of origin.

## Lessons from the Australian Experience

Considering the central role of immigration in Australia's national development—demographically, economically, and socially—the intensity of the debate about irregular maritime arrivals can seem paradoxical, given these account for a miniscule share of all arrivals. Over more than two centuries, Australia has become the home of millions of immigrants who have lived together relatively harmoniously. And while Australia remains one of the most welcoming countries in terms of refugee resettlement, much of this has been overshadowed by the controversy surrounding treatment of boat arrivals.

Long before the current wave of hardline immigration politics in Europe and North America, Australia's experience with irregular maritime arrivals demonstrated how easily media outlets and politicians can stoke fear about uncontrolled entries for political gain. This is especially the case when information that could put these fears into perspective is either absent or distorted, as has happened in Australia and elsewhere.

Recent changes in the name and structure of the department responsible for immigration point to policymakers' increased focus on security concerns. In 2013 the government announced the merger of the Department of Immigration and Citizenship with the Australian Customs and Border Protection Agency, and renamed it the Department of Immigration and Border Protection. Most recently, in December 2017 the department was subsumed into an enlarged Department of Home Affairs. The role of this new entity is described as "bringing together Australia's federal law enforcement, national and transport security, criminal justice, emergency management, multicultural affairs, and immigration and border-related functions and agencies, working together to keep Australia safe."

Further, the Australian debates testify to the fact that migration management is rarely a purely domestic issue. Inevitably it implicates relations with other governments able to deter departures or provide a place to which asylum seekers can be returned or resettled, as evidenced in Australia's discussions with its Southeast Asian neighbors. Human trafficking and criminal activities further complicate regional policymaking, especially when the asylum seekers originate from third countries.

A more positive lesson that can be taken from the Australian experience is that migrants and refugees can make substantial economic and social contributions. While Australian immigration policy favored European immigrants until the latter part of the 20th century, the shift in more recent decades toward diversified admissions has helped Australia become the multicultural and economically competitive nation it is today.

## Sources

Australian Bureau of Statistics. 2017. 2071.0 Census of Population and Housing: Reflecting Australia - Stories from the Census, 2016 - Cultural Diversity. Updated July 20, 2017. [Available online](#).

---. 2017. 3101.0 - Australian Demographic Statistics, Dec 2016. Updated June 27, 2017. [Available online](#).

---. 2017. 3401.0 - Overseas Arrivals and Departures, Australia, Dec 2016. Updated March 10, 2017. [Available online](#).

Australian Department of Education and Training. 2017. International Student Data: Monthly Summary, May 2017. [Available online](#).

Australian Department of Home Affairs. N.d. Historical Migration Statistics. Accessed February 9, 2018. [Available online](#).

Australian Department of Immigration and Border Protection. 2016. *Working Holiday Maker: Visa Programme Report*. Canberra: Department of Immigration and Border Protection. [Available online](#).

---. 2017. *2016-17 Migration Programme Report*. Canberra: Department of Immigration and Border Protection. [Available online](#).

---. 2017. *Australia's Humanitarian Programme 2017-18*. Canberra: Department of Immigration and Border Protection. [Available online](#).

---. 2017. Permanent Additions to Australia's Resident Population. Updated December 5, 2017. [Available online](#).

Australian Department of Immigration and Multicultural Affairs. 2001. *Immigration: Federation to Century's End, 1901-2000*. Canberra: Department of Immigration and Multicultural Affairs. [Available online](#).

Baxendale, Rachel. 2017. 457 Visa Program Axed by Malcolm Turnbull. *The Australian*, April 18, 2017. [Available online](#).

BBC News. 2015. Ex-Australia PM Abbott Tells Europe to Close Borders. BBC News, October 28, 2015. [Available online](#).



Australian Government

Department of Immigration  
and Border Protection

# Australia's Humanitarian Programme 2016-17

Discussion paper

# Introduction

The Australian public is invited to provide their views on the management, size and composition of Australia's Humanitarian Programme (the Programme) for 2016-17 and future years.

Each year, the Australian Government seeks the views of the Australian public on the Programme, which are taken into consideration in programme planning and development. The ongoing success of the Programme can only be achieved if it continues to have public support.

An annual consultation process informs the Government's decisions about the size and composition of the Programme. This includes:

- consultation with state and territory governments and Commonwealth agencies
- consultation with peak refugee and humanitarian organisations
- consideration of the views of the Australian community based on feedback received on the annual discussion paper
- consideration of advice from the United Nations High Commissioner for Refugees (UNHCR) on global resettlement needs and priorities.

In determining the size of the Programme, the Government also considers Australia's capacity to facilitate the entry and settlement of humanitarian entrants.

This paper provides background information to help inform written submissions. It includes an overview of the international context in which the Programme operates and information about the Programme's key components and features.

If you would like to make a written submission on Australia's 2016-17 Humanitarian Programme or on the issues raised in this discussion paper, please email it to:

[humanitarian.policy@border.gov.au](mailto:humanitarian.policy@border.gov.au)

**All submissions should be received by Sunday 27 March 2016.**

**Submissions received after this deadline may not be considered.**

# Aims of the Humanitarian Programme

The Programme aims to:

- provide permanent resettlement to those most in need, who are in desperate situations overseas, including in refugee camps and protracted humanitarian situations
- reunite refugees and people who are in refugee-like situations overseas with their family in Australia
- use resettlement strategically to help stabilise refugee populations, reduce the prospect of irregular movement from source countries of first asylum, and support broader international protection
- meet Australia's protection obligations.

Information about recent outcomes of the Programme can be viewed at Attachment A, and a short history of the Programme at Attachment B.

## Components of the Humanitarian Programme

The Programme comprises the offshore resettlement and onshore protection components.

The offshore resettlement component offers resettlement in Australia for people overseas who are in the greatest need of resettlement and comprises visas granted under the Refugee category and the Special Humanitarian Programme (SHP) category.

The onshore protection component offers protection for people who **arrived lawfully** in Australia and who are found to be a refugee under the *Migration Act 1958*, or otherwise engage Australia's protection obligations under certain international treaties.

The Humanitarian Programme does not include places for people who have travelled to Australia illegally, including illegal maritime arrivals (IMA), unauthorised air arrivals and people transferred to regional processing centres. Temporary protection visas granted to people who arrive illegally in Australia are not included within the Humanitarian Programme.

Each year the Government sets the number of visas that may be granted under the Programme. The 2015-16 Programme has 13,750 places comprising:

- a minimum of 11,000 places for people offshore (including up to 1200 places for women at risk)
- the balance of places for people onshore who have arrived in Australia lawfully.

## Offshore component

The offshore component of the Programme has two categories:

- Refugee category
- Special Humanitarian Programme (SHP) category.

The Refugee category assists people who are subject to persecution in their home country and for whom resettlement in Australia is the best durable solution. Australia works closely with the UNHCR, which refers most of the successful applicants for resettlement in Australia under this category.

## Recent changes to the *Migration Act 1958*

On 4 December 2014, Parliament passed the *Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014* (RALC Bill). Part of this Bill specified the size of the Programme:

- 2015-16: minimum of 13,750 places
- 2016-17: minimum of 13,750 places
- 2017-18: minimum of 16,250 places
- 2018-19: minimum of 18,750 places.

The 2018-19 offshore component of the Programme will see Australia's largest intake from overseas in 30 years. This recent increase to the offshore component of the Programme demonstrates the Government's commitment to a strong humanitarian intake focused on those most in need of resettlement.

The Refugee category has four visa subclasses:

- **Refugee visa (subclass 200)** – for people who have fled persecution in their home country and are living outside their home country.
- **In-country Special Humanitarian visa (subclass 201)** – only a small number of visas are granted under this subclass, for people living in their home country who are subject to persecution.
- **Emergency Rescue visa (subclass 203)** – only a small number of visas are granted under this subclass for people outside their home country, who are in urgent need of protection because there is an imminent threat to their life and security. All applicants for this subclass are referred by UNHCR.
- **Woman at Risk visa (subclass 204)** – for women and their dependents who are subject to persecution in their home country or registered as being 'of concern' to UNHCR, are living outside their home country without the protection of a male relative, and are in danger of victimisation, harassment or serious abuse because of their gender.

The **SHP category (subclass 202)** is for people who are subject to substantial discrimination amounting to gross violation of their human rights and who are living outside their home country.

Applications for SHP visas must be accompanied by a proposal from an eligible Australian citizen or permanent resident, an eligible New Zealand citizen, or an organisation operating in Australia. If the SHP application is successful, proposers help the applicant pay for their travel to Australia and assist with their accommodation and initial orientation in Australia.

## Australia's response to the Syrian humanitarian crisis

On 9 September 2015, the Government announced a package of assistance in response to the Syrian and Iraqi humanitarian crisis.

- A total of 12,000 humanitarian places have been made available for people displaced by conflicts in Syria and Iraq.
- Humanitarian assistance in the form of food, water, health care, education, emergency supplies and protection will be extended to people affected by the conflict in Syria and Iraq at a cost of \$44 million.

These 12,000 Humanitarian Programme places are in addition to Australia's existing Humanitarian Programme of 13,750 places. Priority for these places will be given to refugees who are:

- assessed as being most vulnerable – women, children and families with the least prospect of ever returning safely to their homes
- located in Lebanon, Jordan and Turkey.

Applicants for resettlement in Australia will be required to meet all criteria for a Refugee and Humanitarian visa, including health, character and security checks. These checks will be conducted before individuals are granted a visa to enter Australia.

## Onshore component

Since September 2013, the onshore component of the Programme has been reserved for people who arrive lawfully, seek Australia's protection and are found to engage Australia's protection obligations because they are either found to be a refugee, or meet the Complementary Protection criteria in the *Migration Act 1958*.

People seeking asylum are assessed on a case-by-case basis, with reference to detailed and current information on conditions in their receiving country (that is, their country of nationality, or country of former habitual residence if they do not have a nationality).

This assessment also takes into account Australia's obligations under other human rights treaties to which Australia is a party, namely the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Applicants must also satisfy health, character and security criteria before they are granted Permanent Protection visas.

## Recent changes to the *Migration Act 1958*

The RALC Bill re-introduced Temporary Protection visas (TPVs) and introduced Safe Haven Enterprise visas (SHEVs). These visas form part of the Government's border protection strategy to combat people smuggling and discourage people from taking dangerous voyages to Australia. Illegal maritime arrivals and unauthorised air arrivals who are found to engage Australia's protection obligations might be eligible to be granted a TPV or SHEV. These grants are not counted towards the Programme.

## International context

UNHCR is the organisation mandated by the United Nations to lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee situations.

UNHCR promotes three durable solutions for refugees. These are:

- voluntary return to country of origin in conditions of safety and dignity
- local integration in the countries of first asylum and resettlement
- resettlement, which is pursued by UNHCR only if voluntary return or local integration is not feasible.

By end 2014, UNHCR estimates that 59.5 million individuals were forcibly displaced worldwide as a result of persecution, conflict, generalised violence or human rights violations. Some 19.5 million persons were refugees, 38.2 million internally displaced persons and close to 1.8 million asylum seekers.<sup>1</sup>

Australia is one of only a small number of countries that operate an annual permanent resettlement programme and ranks in the top three resettlement countries each year, along with the United States and Canada.

## Features of the offshore component

### 1. Use of resettlement in protracted refugee situations

Resettlement is used in a number of different refugee situations, including as:

- an instrument of protection for individual refugees, particularly those who are in compelling and/or vulnerable situations
- a durable solution for groups of refugees from intractable refugee situations
- a strategic tool that can be used to leverage solutions for the remaining refugee populations
- one element of a range of strategies to respond to humanitarian crises that result in large outflows, and alleviate pressures on host countries, as in the case of the current crisis in Syria and Iraq.

Resettlement provides a mechanism for UNHCR and the international community to establish a positive dialogue with host countries, facilitate continuing protection, and explore support for access to livelihood opportunities for the remainder of the refugee population. It is envisaged that expanding and maintaining protection opportunities in countries of first asylum may in turn have the effect of reducing pressures which lead to irregular migration and onward movement of people.

UNHCR and resettlement countries have identified a number of protracted refugee situations that would benefit from targeted and coordinated resettlement over a number of years. Using resettlement strategically in these situations provides benefits that extend beyond just the resettled refugees.

---

<sup>1</sup> United Nations High Commissioner for Refugees, *UNHCR Global Trends 2014 Report*

## Contact / Core Groups

As part of the broader United Nations initiatives to encourage international cooperation on addressing humanitarian crises, Contact/Core Groups were established as a mechanism to achieve effective and coordinated resettlement of refugees in protracted situations. The Groups include representatives from UNHCR and resettlement States with each group focusing on one protracted situation. Members of the Groups work collaboratively to ensure greater predictability and sustainability of the resettlement effort, which in turn provides enhanced protection mechanisms and livelihood strategies for the remaining population of refugees in host countries.

There are currently six Contact/Core Groups; the first five include Australia:

- Core Group for Bhutanese refugees in Nepal (*Australia is Chair*)
- Contact Group for Afghan refugees in Iran
- Contact Group for Afghan refugees in Pakistan (*Australia is Chair*)
- Core Group for Syrian refugees
- Contact Group for Congolese refugees
- Contact Group for Colombian refugees.

Over a number of years, Australia has resettled significant numbers of refugees from protracted refugee situations including Burmese (Myanmarese) in Thailand and Malaysia and Bhutanese in Nepal.

## 2. Woman at Risk visa

The Woman at Risk visa is a special visa subclass within the Refugee category, which was established in 1989 in recognition of the priority given by UNHCR to the protection of refugee women who are in particularly vulnerable situations. Vulnerable women at risk and their dependents are a high priority for resettlement in the 2015-16 programme, with 1200 places made available under this visa subclass.

Australia is one of only a small number of countries that manage dedicated refugee settlement programmes for women at risk and their dependents.

## 3. Community Proposal Pilot (CPP)

The CPP was introduced on 1 June 2013 to provide an additional resettlement pathway for people in humanitarian situations overseas and harness the willingness and ability of communities to support their resettlement in Australia. The CPP provides for up to 500 places within the offshore component of the 2015-16 Programme.

The CPP aims to test the capacity of the Australian community to provide a substantial financial contribution towards the costs of humanitarian settlement and practical support to assist humanitarian entrants to settle successfully.

Through the CPP, organisations approved by the Department, known as Approved Proposing Organisations (APOs), work with community organisations and families to:

- propose the applicant
- ensure all costs associated with the application are paid
- provide practical support to assist humanitarian entrants to settle in the community, similar to support currently provided to humanitarian entrants under the Humanitarian Settlement Services Programme.

Applicants under the CPP are required to meet standard criteria for a humanitarian visa, including health, character and security requirements.

The Department is undertaking an evaluation of the CPP which will inform Government consideration of the potential for a fully-fledged Community Sponsorship Programme.

## Pre-departure and settlement services

The resettlement of refugees and others in humanitarian need to Australia is supported by a range of comprehensive pre-departure and settlement services provided by the Government. These services are critical for supporting new arrivals towards inclusion and active participation in Australian society.

The Department of Social Services (DSS) is responsible for delivering pre-departure and settlement services, and the DSS website provides further information about [Settlement Services](#).

## Further information on the Humanitarian Programme

The Department of Immigration and Border Protection website:

- [Refugee and humanitarian programme](#)
- [The Special Humanitarian Programme \(SHP\)](#)
- [Community Proposal Pilot](#).

### Questions

Please provide your views to inform the management, size and composition of Australia's Humanitarian Programme.

1. In your view, how many places should Australia attribute to the offshore component of its Humanitarian Programme?
2. What do you think should be the proportion split between the SHP and Refugee categories in the offshore component of its Humanitarian Programme?
3. To which regions (Africa, Asia or Middle East) do you think most places should be allocated?
4. In your view, how important is the Woman at Risk programme?
5. Should the available places under CPP be increased?
6. Do you have other comments, particularly on the offshore component of the 2016-17 Programme?

# ATTACHMENT A

## Outcomes of the 2014-15 Humanitarian Programme

In 2014-15, a total of 13,756 visas were granted under the Programme. This included 2747 grants under the onshore component and 11,009 grants under the offshore component. In the offshore component, 6002 (55 per cent) were Refugee visas and 5007 (45 per cent) were SHP visas.

In 2014-15, 1009 Woman at Risk visas were granted. The top five countries of birth for this programme year were Afghanistan, Burma, the Democratic Republic of the Congo, Eritrea and Ethiopia.

The Community Proposal Pilot (CPP) programme commenced on 1 June 2013. The first visa applications in the CPP were lodged in October 2013, and the first visas were granted in February 2014.

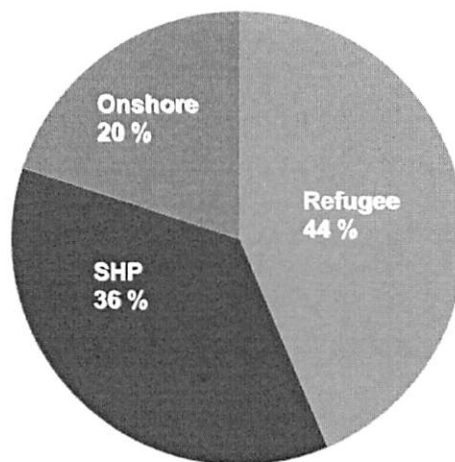


Table 1 – Humanitarian Programme outcomes by component and category 2014-15

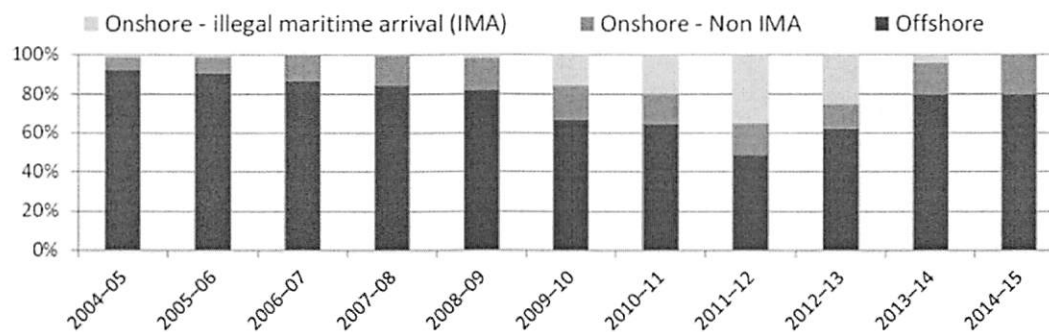
Component	Visa category	Visa grants
Offshore	Refugee	6,002
	SHP	5,007
	Sub-total	11,009
Onshore	Protection (permanent) <sup>1</sup>	2,747
	Sub-total	2,747
Total Programme grants 2014-15		13,756

**Note:**

1. One IMA applicant was granted a permanent Protection visa in February 2015 as a result of the High Court ruling in relation to refusal in the national interest (S297/2013 v MIBP).

For more information on the 2014–15 Programme see the Department's fact sheet [Australia's Refugee and Humanitarian Programme](#).

## Onshore/offshore balance within the Programme



## A flexible programme

The Programme operates flexibly to respond effectively to evolving humanitarian situations and global resettlement needs. The table and figures below illustrate the shifting composition of the Programme over past years.

Table 2 – Top 10 nationalities<sup>2</sup> within the offshore component 2010-11 to 2014-15

Offshore Humanitarian programme

Rank	2010-11	2011-12	2012-13	2013-14	2014-15
1	Iraq	Myanmar	Iraq	Afghanistan	Afghanistan
2	Myanmar	Iraq	Afghanistan	Iraq	Myanmar
3	Afghanistan	Afghanistan	Myanmar	Myanmar	Iraq
4	Bhutan	Bhutan	Bhutan	Syria	Congo (DRC) <sup>3</sup>
5	Congo (DRC)	Ethiopia	Congo (DRC)	Bhutan	Syria
6	Ethiopia	Congo (DRC)	Iran	Iran	Somalia
7	Sri Lanka	Eritrea	Somalia	Congo (DRC)	Eritrea
8	Iran	Iran	Sudan <sup>4</sup>	Eritrea	Bhutan
9	Sudan	Somalia	Eritrea	Somalia	Ethiopia

Notes:

- Nationality is based on country of birth. The country of birth of principal visa applicants is applied to secondary visa applicants.
- Congo (DRC) refers to the Democratic Republic of the Congo.
- 'Sudan' refers to people from both Sudan and South Sudan.

# ATTACHMENT B

## A short history of the Humanitarian Programme

Australia has a proud record of resettling refugees and people in humanitarian need from around the world. Humanitarian resettlement programmes in Australia began in 1947, with the resettlement of people who had been displaced by World War II. Since then, Australia has welcomed more than 825,000 people from different countries under the Programme, in response to changing global resettlement and humanitarian needs.

They include:

- 1947-1954 - 170,000 Eastern Europeans displaced during World War II
- Mid 1950s-late 1960s - thousands of refugees from crises in Europe, including the Hungarian uprising and the Warsaw Pact military intervention in Czechoslovakia
- Early 1970s - more than 16,000 people from Central and South America following political turmoil in their countries
- Since 1975 - around 18,000 Lebanese displaced by civil war
- Since late 1970s - over 90,000 refugees from the Middle East and South West Asia
- Since late 1980s – around 70,000 refugees from the Africa region.

### 1977

The Government introduced a new national refugee policy. This included:

- establishing a regular and planned Programme
- engaging with the international community to resolve refugee situations
- establishing an efficient and fair mechanism for refugee status determination onshore.

### 1981

The Special Humanitarian Programme (SHP) was introduced for people who, while not identified as refugees, were living outside their home country and were subject to substantial discrimination amounting to a gross violation of human rights in their home country and had family or community ties to Australia.

### Mid-1980s

The Programme had a global focus, with priority given to applicants who had family or other close links to Australia. The Programme also included up to 40 nationalities, including people from Eastern Europe, Latin America and the Middle East.

### Late 1980s

The Woman at Risk and Emergency Rescue visa provisions were introduced.

### 1991

The Special Assistance Category (SAC) was introduced for groups of people with close links to Australia who were in vulnerable situations but whose circumstances did not fit into the traditional humanitarian resettlement criteria. SACs were introduced for groups such as Soviet minorities,

East Timorese, citizens of former Yugoslavia, Burmese, Vietnamese, Cambodians, Sri Lankans and Sudanese.

### Late 1990s and early 2000s

Europe was the largest source region for the Programme with around half of all those resettled between 1998 and 2001 coming from the former Yugoslavia. During the same period, the proportion of resettlement from Africa increased from around 16 per cent in 1998 to a peak of 70 per cent between 2003 and 2005.

### Since 2004

Asia has been a key focus of the Programme, with the resettlement of some 18,000 refugees from Burma (Myanmar) including those in protracted refugee camps along the Thai-Burma border, in Malaysia and in India. Australia has also resettled some 5200 Bhutanese refugees from Nepal since 2007–08.

### Recent years

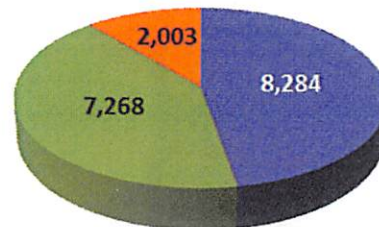
The Middle East and South West Asia have been focus regions of the Programme recently. Significant numbers of people from these regions continue to be in need of humanitarian assistance due to conflicts, primarily in Afghanistan and Iraq, and more recently in Syria. Resettlement from this region has increased from an average of around a third of the Programme from 1998 to 2009 to over half of the Programme since 2012–13.



## 2015–16 Humanitarian Programme Outcomes

The 2015–16 Humanitarian Programme was fully delivered, with 17,555 visas granted, comprising:

- 15,552\* Offshore component visas
  - o 8,284\* Refugee category visas
  - o 7,268\* Special Humanitarian Programme (SHP) visas
- 2,003 Onshore component visas



■ Refugee ■ SHP ■ Onshore

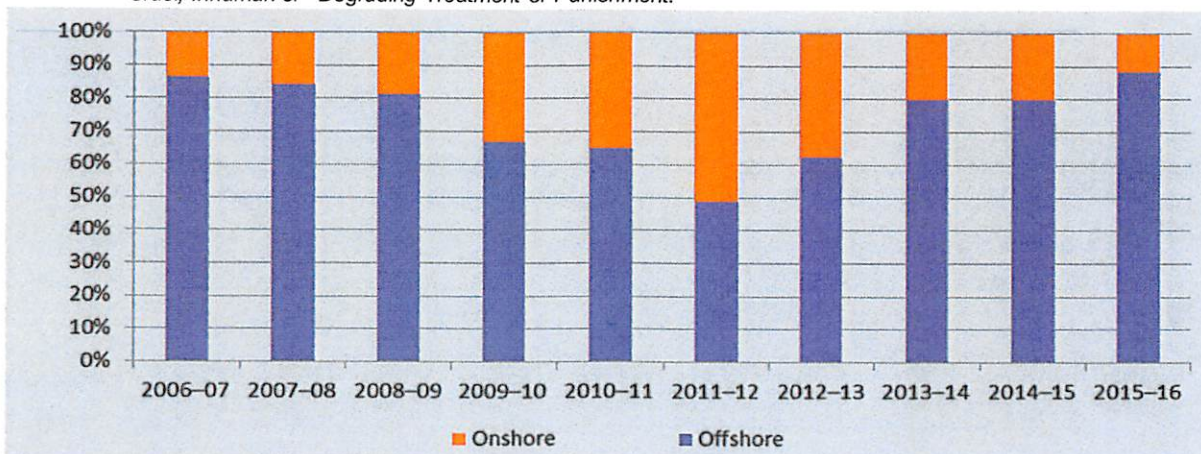
### Humanitarian Programme grants by component 2006–07 to 2015–16

Offshore resettlement component:

- offers resettlement in Australia for people overseas who are in the greatest need of resettlement.
- comprises visas granted under the:
  - Refugee category; and
  - Special Humanitarian Programme (SHP) category.

Onshore protection/asylum component:

- offers protection for people in Australia who are found to be refugees according to the *Refugees Convention*, the *International Covenant on Civil and Political Rights*, and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.



### Additional 12,000 humanitarian places for Syrians and Iraqis

In September 2015, the Australian Government announced an additional 12,000 Humanitarian Programme places for people displaced by conflicts in Syria and Iraq. These 12,000 places are in addition to places available to Syrians and Iraqis under Australia's existing Humanitarian Programme.

During the 2015-16 programme year, Australia granted 8,640 visas to people displaced by conflicts in Syria and Iraq. This included 3,790 visas towards the additional 12,000 humanitarian places, and 4,850 visas granted under the annual offshore resettlement component of the Humanitarian Programme.

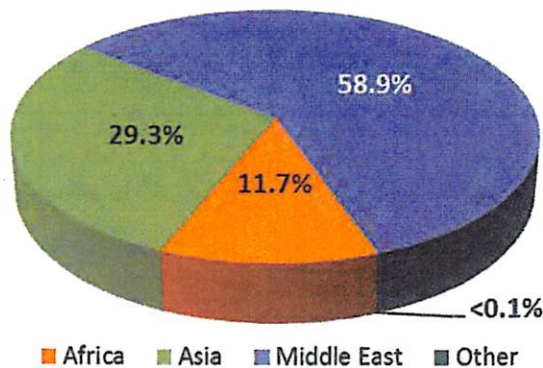
Priority for the 12,000 additional humanitarian places is being given to people displaced by conflict in Syria and Iraq who are:

- assessed as being most vulnerable: persecuted minorities, women, children and families with the least prospect of ever returning safely to their homes;
- located in Lebanon, Jordan and Turkey.

This includes people from a range of religious, ethnic and other backgrounds.

\*This includes visas granted towards the annual offshore resettlement component of the Humanitarian Programme, and the additional 12,000 places for people displaced by conflict in Syria and Iraq.

### Regional source of offshore grants



### Australia's Humanitarian Programme is characterised by its flexibility.

Each year, the size and focus of the Programme responds to evolving humanitarian situations and changes to the global need for resettlement.

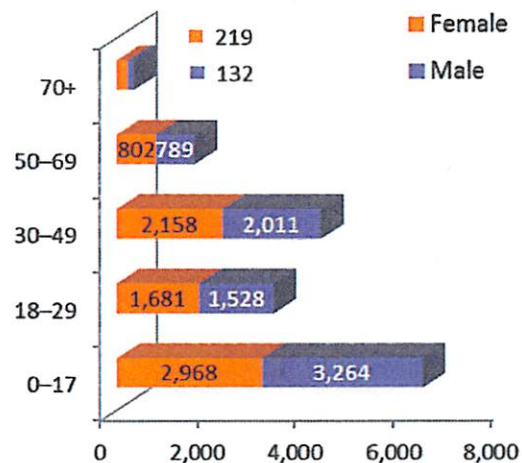
In line with global resettlement needs, in 2015–16 Australia's Offshore Humanitarian Programme focused on three priority regions of the Middle East, Asia and Africa.

The *regional source* pie chart shows Offshore Humanitarian Programme visa grants by region based on their country of birth.

### Offshore grants Top 10 Countries of Birth

Country of Birth	Refugee	SHP	Total
Iraq	2,069	2,289	4,358
Syria	1,710	2,551	4,261
Myanmar	1,031	920	1,951
Afghanistan	1,418	296	1,714
Congo (DRC)	580	77	657
Bhutan	137	378	515
Somalia	396	41	437
Iran	279	58	337
Ethiopia	229	108	337
Eritrea	155	136	291
Other	280	414	694
<b>Total</b>	<b>8,284</b>	<b>7,268</b>	<b>15,552</b>

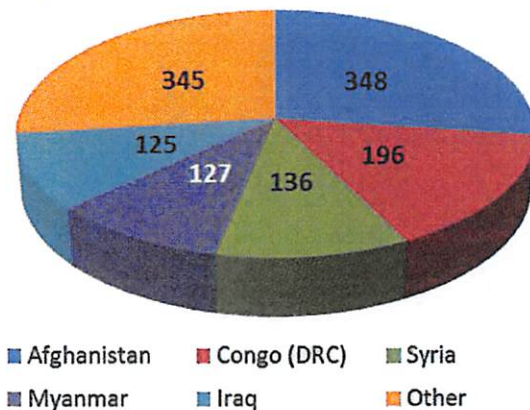
### Offshore grants By Age and Gender



### Woman at Risk visa grants by top 5 countries of birth

In 2015–16, 1,200 visas were allocated to the Woman at Risk subclass. At 30 June 2016, a total of 1,277 Woman at Risk visas were granted. This included visas granted under the annual offshore resettlement component Humanitarian Programme, and those granted towards the additional 12,000 places for Syrians and Iraqis.

This visa subclass recognises the priority given by UNHCR to the protection of refugee women who are in particularly vulnerable situations.



#### Notes:

1. As information has been drawn from dynamic system environments the information provided may differ from previous or future reporting.
2. Offshore Data was extracted from DIBP systems on 04 July 2016.
3. Onshore Data was extracted from DIBP systems on 01 July 2016.

## AUSTRALIAN OFFSHORE AND ONSHORE HUMANITARIAN PROGRAMME

Year	Offshore visa SHP visa grants	Onshore protection visa grants	Offshore refugee visa grants (resettled)
2001– 2002	4,258	3,885	4,160
2002– 2003	7,280	866	4,376
2003– 2004	7,668	1,896	4,134
2004– 2005	6,585	4,601	5,511
2005– 2006	6,836	5,215	6,022
2006– 2007	5,275	2,243	6,003
2007– 2008	5,026	2,434	6,004
2008– 2009	4,586	3,266	6,499
2009– 2010	3,244	4,697	6,003
2010– 2011	2,981	4,818	5,998
2011– 2012	714	7,038	6,004
2012– 2013	503	7,504	12,012
2013– 2014	4515	2775	6501
2014– 2015	5,007	2,747	6,002
2015– 2016	5,000 (planned)	2,750 (planned)	6,000 (planned)

Source: Immigration Department Annual Reports (various years); DIBP, 'The Special Humanitarian Programme(SHP)', DIBP website; P Dutton, *Restoring integrity to refugee intake*, media release, 12 May 2015; DIBP, 'Onshore Humanitarian Programme 2015–16', DIBP website.

# Australia's offshore processing regime

## What is offshore processing?

Offshore processing (referred to by the Australian Government as “regional processing”) is the term used to describe the arrangements by which Australia sends people seeking asylum who arrive by boat to either Nauru or on Manus Island in Papua New Guinea (PNG), where their refugee claims are determined. Australia is the only country in the world that uses other countries to process refugee claims. Offshore processing is justified by the Australian Government as “breaking the people smuggler’s business model” by removing the financial incentive to send boats to Australia and ensuring that those who arrive by boat do not gain an “unfair advantage” over others.

Offshore processing raises the following key concerns:

- It seeks to punish rather than protect those in need.
- It seeks to transfer Australia’s responsibility to protect to poorer, less well-equipped countries.
- It has led to prolonged and indefinite detention and enormous human suffering.
- The conditions of detention are inhumane, with grossly inadequate health care and inhumane treatment.
- The system exposes highly vulnerable people to further harm, with consistent reports of sexual, physical and psychological abuse.
- It undermines democratic principles of transparency, accountability and the separation of powers.
- It is extraordinarily expensive

## The Pacific Solution

Offshore processing was first introduced in September and October 2001 by the Australian Government under John Howard. Manus Island ceased to house people seeking asylum in May 2004, and the last refugees left Nauru on 8 February 2008 when the policy was abolished under Kevin Rudd. The policy was practised in concert with a practice of intercepting and

---

as refugees could be, and were, resettled in Australia.

Between 2001 and 2008, a total of 1637 people were detained on Nauru and Manus Island, including 786 Afghans, 684 Iraqis and 88 Sri Lankans. Of these, 1153 (or 70%) were ultimately resettled to Australia or other countries, 705 of these in Australia. Others were resettled in New Zealand (401), Sweden (21), Canada (16), Denmark (6) and Norway (4), while 483 left “voluntarily” and one person died. In Nauru, some protection claims were assessed by the United Nations High Commissioner for Refugees (UNHCR) and others by the Australian Government, while on Manus Island the claims were assessed by the Australian Government.

## The return of offshore processing

In July 2010, a significant increase in people arriving by boat led to the newly installed Prime Minister Julia Gillard announcing that the Government would resume offshore processing. This followed the failure of the then Government to implement a “refugee swap” with Malaysia, after this was ruled unlawful by the High Court of Australia. People began to be transferred to Nauru on 14 September 2012 and to PNG on 21 November 2012.

However, on 19 July 2013, the newly re-appointed Prime Minister, Kevin Rudd, announced shortly before an election that Australia had entered into an arrangement with PNG. Under this version of offshore processing, all (rather than some) people who arrived by boat would be transferred to PNG and, critically, they would never be resettled in Australia but rather in PNG and any other participating nation, but not in Australia. A similar arrangement was then made with Nauru. On 18 September 2013, under the newly elected Coalition Government, a policy of turning boats back was also implemented as part of a strategy known as “Operation Sovereign Borders”.

The return of offshore processing has caused enormous suffering. In addition to refusing resettlement to Australia, the only “third country” also offering resettlement has been Cambodia, in a controversial deal that has only seen a handful of refugees on Nauru settle at extraordinary cost. There have been prolonged delays in refugee status determination, particularly in PNG. There have been significant protests and disturbances on both Nauru and Manus Island, one of which led to the violent death of one man.

There have been consistent and alarming reports of abuse (sexual and otherwise), including of those living in the community and of gay and lesbian people. There has been at least one

self-immolation of two people in recent weeks, ending in the death of another man in Nauru. Yet, despite repeated international condemnation and significant opposition and protests, both major parties have refused to change the policy of offshore processing.

Two legal challenges in Australia to the constitutionality of offshore processing in PNG and Nauru failed, most recently in February 2016 following the rushed passage of validating legislation during proceedings. However, 267 people transferred to Australia for medical treatment have so far remained in Australia following national protests in February 2016.

In 2015, the “regional processing centre” on Nauru transitioned to “open centre” status, lifting restrictions on freedom of movement but, due to a lack of housing, recognised refugees remain in the processing centre, although the exact figure is not on the public record.

In April 2016, PNG's Supreme Court ruled that the forced transfer and detention of asylum seekers on Manus Island were unconstitutional. The Australian Government, and the Labor Opposition, continue to rule out bringing the people held on Manus Island to Australia. New Zealand's previous offer to resettle 150 refugees within its existing quotas has so far been refused by the Australian Government. In May 2016, litigation was commenced in the High Court of Australia and in PNG to require the refugees and asylum seekers to be brought to Australia but there does not appear to be any immediate resolution to the issue.

## Key statistics

These statistics are drawn from the Operation Sovereign Border monthly updates.

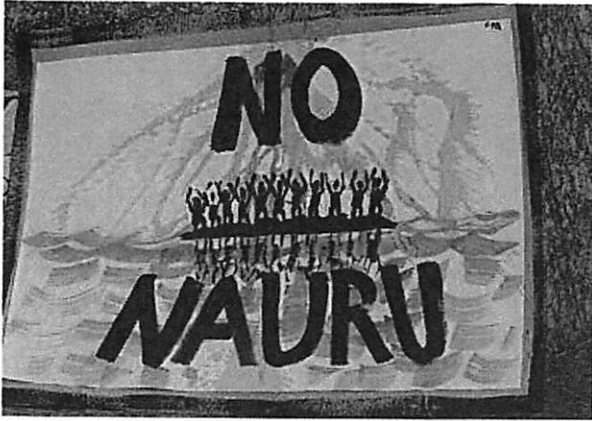
- At its peak in February 2014, there were 1325 people held in the Manus Island centre and 1107 in the Nauru centre, a total of **2,432** people detained.
- At its peak in August 2014, there were **222 children** in the Nauru centre (the Manus Island centre being designated for adult males).
- Between 18 September 2013 and 31 March 2016, **2,215 people were transferred** (770 to Manus Island, 1,355 to Nauru) but none since January 2015.
- Between 18 September 2013 and 31 March 2016, **536 people departed**, 303 of those in 2014.
- As at 31 March 2016, **1367** of the 2028 **refugee assessments** (67%) conducted have been positive. On Nauru, the refugee recognition rate has been 77% (866 out of 1131

[Our work](#) ▾[Get the facts](#) ▾[Take action](#)

- As at 31 March 2016, there were **905** men in the **Manus Island** “regional processing centre” (395 of them being recognised refugees and 19 having been given a positive refugee assessment but awaiting final confirmation of their status). Another **59** refugees were living in the nearby East Lorengau Transit Centre and **28** refugees were living elsewhere (presumably still in PNG). This suggests that up to 992 refugees and asylum seekers sent to Manus Island remained in PNG.
- As at 31 March 2016, **866** of the people sent to **Nauru** have been designated as refugees and 265 people have been given negative refugee assessments. Since October 2015, some of the newly designated refugees have remained in the processing centre under ‘open centre’ arrangements because housing in the community was not available. It is unclear exactly how many are now in the community, although as at 3 May 2016 the Minister for Immigration has indicated around 700 are living in the community and 350 of those are employed. The number of people in the Nauru processing centre as at 31 March 2016 was 468. This suggests that the total number of refugees and asylum seekers on Nauru is between 1100 and 1200.
- Several hundred people sent to Nauru and Manus Island have been transferred back to Australia temporarily for medical and other reasons. As at February 2016, 267 people were in Australia awaiting possible transfer to Nauru and Manus Island, 37 of them babies born in Australia to asylum seeker parents.
- As at 30 April 2016, five refugees recognised in Nauru have taken up the Australian Government’s offer of moving to Cambodia. However, three of them have since left Cambodia and returned to their home countries (Myanmar and Iran). Another two, originally from Syria, have moved to Canada to be reunited with family members resettled there.

[Read this in PDF](#)[asylum](#)[Nauru](#)[offshore processing](#)[PNG \(Papua New Guinea\)](#)

High Quality Printing?  
 Brochures, Flyers, Booklets, Postcards  
 Stickers & More. Regular 60% Sales!



ge Credit: Asylum seeker protest via paintings /  
 itterstock.com

## Australia's Controversial Asylum Policies

The country's brutal policies are leaving it increasingly isolated.

By Gemima Harvey  
 December 04, 2015

"For those who've come across the seas, we've boundless plains to share," goes the Australian national anthem. This is true, unless you are an asylum seeker. Despite the 1951 Refugee Convention stating that people should not be punished for their method of arrival when seeking asylum, for years Australia has been cracking down on those coming across the seas.

From offshore processing and boat turn-backs to law reforms that let Australia breach its non-refoulement responsibilities and that have chilling implications for potential whistle-blowers, Australia's policies disrespect peoples' right to seek asylum and disregard international laws that have human rights and protection for the vulnerable at their core.

### An Overview of Offshore Detention

People who arrive by air in Australia with a valid visa such as a tourist or student visa and then apply for asylum are generally granted a bridging visa and are allowed to live within the community while their claims are assessed. Protection visas for those who apply in this way are approved in about 45 percent of cases annually. In contrast, asylum seekers who come by sea are either intercepted and turned back or transferred to Australian-funded detention centres in Pacific Island nations such as The Republic of Nauru or Manus Province, Papuan New Guinea. They will never be allowed to resettle in Australia even if they are found to be genuine refugees. More than 90 percent of asylum seekers arriving by boat are assessed to be refugees.

In 2013, the United Nations Refugee Agency (UNHCR) reported that offshore processing centres, both in Nauru and in Papua New Guinea, "do not provide safe and humane conditions of treatment in detention," constitute arbitrary detention under international law and do not provide for adequate and timely solutions for asylum seekers. UN special rapporteur on torture, Juan Méndez, has raised concerns about Australia's violation of the rights of asylum seekers in relation to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and the

treaty body has called for the required standards of protection to be afforded to all people seeking asylum, regardless of their mode of arrival.

The offshore centres have come with a string of tragedies and controversies.

Last year Iranian asylum seeker Reza Barati was murdered, allegedly by security guards. Dozens of others were injured during the same unrest, on Manus Island, that also apparently involved police and locals who entered the camp.

Another Iranian asylum seeker on Manus, called Hamid Kehazaei, died after delays in getting him proper treatment for a blister that turned septic.

Cases of sexual abuse against asylum seekers and refugees, including against children, have surfaced from Nauru. In October, Office of the UN High Commissioner for Human Rights (OHCHR) spokesperson, Rupert Colville expressed concern about reports that Nauru police have failed to take action against alleged perpetrators of sexual violence, including that "impunity for such serious crimes increases the risk they will be repeated."

A national inquiry into children in detention culminated with a 2014 report, *The Forgotten Children*. It found that, "Children on Nauru are suffering from extreme levels of physical, emotional, psychological and developmental distress." The report notes that Australia's policies are in breach of the Convention on the Rights of the Child and raises concern that detention is mandatory and without a time limit. Latest figures show there are still 92 children at the processing center on Nauru.

The UNHCR said the detention of people seeking protection should be a measure of last resort. Yet, it remains the Australian government's preferred response – by punishing asylum seekers, in many cases already traumatized people who have fled persecution, with intolerable living conditions it is deterring others from coming. This is the government's way of "saving lives at sea."

While no one wants to see people drowning at sea, it's also clear that Australia's policies are far from, "The most humanitarian, the most decent, the most compassionate thing you can do," as former prime minister Tony Abbott has claimed.

Abbott told ABC radio, "As long as people think that if they can get here they can stay here, we'll have the illegal trade, we'll have the people-smugglers in business and we'll have the tragedies at sea. If you want to keep people safe you've got to stop illegal migration and that's what we've done."

A recent change of prime minister in Australia from Abbott to Malcolm Turnbull has seen an ease of the three-word slogans such as "Stop the Boats" but a continuation of the same policy.

Speaking with the ABC in September, Turnbull said, "We're concerned that people are detained there [Nauru and PNG], naturally it is not an ideal environment, we are doing everything we can to encourage them to return to where they came [from] and the government is actively looking at means of resettling them, whether it is in PNG, or indeed in Cambodia or looking at other options."

Last year, Australia signed a \$55 million deal with the Cambodian government to resettle refugees from Nauru. Under the agreement, refugees must voluntarily choose to take this option. So far, just four have. A Cambodian official recently announced the government is ready to accept more refugees, in groups of four or five. But convincing the refugees to resettle in Cambodia has not proven easy.

Countries that agree to resettle refugees under a deal with Australia must have signed the Refugee Convention, leaving few options in the Asia-Pacific region. The Philippines recently declined Australia's request, due to lack of capacity. And Kyrgyzstan is on a list of nations reportedly being considered.

### What's Happening at Sea?

Operation Sovereign Borders puts military forces in charge of intercepting and towing or turning boats back to where they came from, often Indonesia (which has not signed the Refugee Convention).

What goes on at sea is veiled in secrecy, with the government refusing to answer questions relating to "operational matters."

28

Last month, the Australian Navy sent a boat of asylum seekers that came within 200 meters of Christmas Island (Australian territory) back to Indonesia. According to media accounts, the boat ran out of fuel off the Indonesian coast before eventually washing up on a beach. A police officer who assisted the asylum seekers told Fairfax Media, "They could've died if they sunk or if no one found them."

A recent report by Amnesty International details evidence that Australian officials intercepted a boat heading to New Zealand and paid the crew to take its passengers back to Indonesia. Amnesty International interviewed the men who received the money, as well as the passengers, in Indonesia. Local police, the report says, showed Amnesty the approximately \$32,000 they confiscated from the crew. Australian government ministers dismissed the evidence.

Earlier this year, contentious legal changes – the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 – came into effect. Among a range of measures, the legislation increases the government's powers to detain people at sea and to return them to other countries, while limiting avenues for judicial review. Australia is party to multiple treaties that codify its international obligations, including the fundamental obligation of not returning anyone to a country where their life or freedom would be at risk. This is known as non-refoulement. The changes included removing references to the Refugee Convention from the country's Migration Act and inserting new paragraphs that authorize violation of non-refoulement obligations, including that it's "an officer's duty to remove as soon as reasonably practicable an unlawful non-citizen...irrespective of whether there has been an assessment, according to law, of Australia's non-refoulement obligations in respect of the non-citizen."

Executive manager of the Kaldor Centre for International Refugee Law, Frances Voon, told *The Diplomat* that, "it is not open to Australia to devise its own idiosyncratic interpretation of its obligations under the Refugee Convention."

"This is contrary to the requirement that States interpret their treaty obligations 'in good faith'. This legislation authorizes the removal of a person from Australian territory even where this is in breach of Australia's non-refoulement obligations, presenting a significant risk that Australia may return people to persecution or significant harm."

The UN Committee Against Torture shares this concern, saying turning back boats could see asylum seekers sent to countries where they face a substantial risk of torture. Last year, Australian authorities intercepted a boatload of Sri Lankan asylum seekers and handed these people over to the Sri Lankan Navy after an "enhanced screening" process at sea. Media reports indicate the asylum seekers were asked just four questions via teleconference with officials in Sydney and Melbourne.

Voon said there is very little information available to the public about how such screening is carried out, due to the government's policy of not commenting upon "on water matters."

"In any event, UNHCR has stated that as a general rule, the processing of asylum claims at sea is not appropriate due to the practical difficulty of ensuring compliance with relevant international standards in such circumstances."

### **Border Force Act**

Earlier this year, the government introduced a law called the Border Force Act that threatens contractors, including doctors, with two years prison if they speak out about abuse discovered while working for the immigration department. Australian barrister and human rights activist Julian Burnside described the "chilling effect" this creates, "It is fairly clear that all this is intended to discourage people in the detention system from speaking out." There is a defense for the disclosure of information done for the purpose of "lessening a perceived serious threat to the life or health of other detainees." However, human rights lawyer George Newhouse said to determine whether they will be covered by the defense provision, "whistleblowers have to make complex legal assessments about whether their disclosure has been 'adequately dealt with' under internal review procedures before they can speak out." Furthermore, the whistleblower protection does not cover workers outside of Australia, such as in Nauru or Papua New Guinea.

The UN special rapporteur on the human rights of migrants, Francois Crépeau, recently cancelled his visit to Australia because of the risk the Border Force Act poses to service providers who disclose "protected information." He said the threat of reprisals was unacceptable. "The Act prevents me from fully and freely carrying out my duties during the visit, as required by the UN guidelines for independent experts carrying out their country visits."

And now, in an effort toward transparency, and to circumvent the Border Force Act, Greens and Labor politicians have established an inquiry into offshore detention centers that will allow whistleblowers to disclose information under the protection of parliamentary privilege.

## Restricted Media Access to Nauru

In 2014, the Nauruan Government hiked its media visa application price from AUD200 to AUD8000 (\$147 to \$5862), which is non-refundable in the case of rejection. This is an increase of 4000 percent.

Visa requests, to enable reporting from Nauru, by media organizations such as *Al Jazeera* and the *ABC* have been refused, while the *Guardian's* inquiry for information about obtaining a visa was ignored. The *ABC's* Ginny Stein said even before submitting her application she was informed that it had been rejected.

However, in October, the first foreign journalist in 18 months was granted access. In one piece, associate editor of *The Australian*, Chris Kenny criticizes foreign media outlets for airing complaints from asylum seekers in Nauru without actually being on the ground to verify them, while at the same time acknowledging that he is the first foreign journalist to be allowed to the island nation in almost two years. Kenny mentions that his support for strong border protection policies may have contributed to his application's success. News Corp declined to reveal to the *Guardian* whether it paid the \$8000 visa fee.

Not only are journalists barred from accessing Nauru but their questions to its government are also met with resistance. In an October press release, Justice Minister David Adeang said the reason the government refuses to answer many of the "ridiculous" questions posed to it by Australian journalists is because, "Nauru has no obligation to answer to Australian media...They do not show us the respect of a sovereign nation and in return we have little respect for them."

In April, the Nauruan government enforced a ban on Facebook citing its power to: "disrupt, embarrass, destroy one's reputation and to create instability."

Responding to the ban, former Nauruan President Sprent Dabwido was quoted in the *Guardian* saying: "We've seen what he's done [president Baron Waqa] to our local media by taking away its independence and turning it into his personal mouthpiece." Adding, "When he finds he can't do that with outside media, he refuses them entry, or simply won't respond to their telephone inquiries."

A group of refugee teenagers and children, using proxy servers, recently launched a Facebook page called "Free the Children NAURU" which attracted more than 24,000 likes in just 48 hours. A post from November reads, "We are very tired and now they are building new accommodation and we think they want to tell you that it is good now. But it's not good because all of Nauru is like a gaol."

Kenny, in his reporting from Nauru, writes, "Too many children are choosing to stay in the centers in the day rather than leave to attend school. It is not the children being detained that strikes me as the pressing welfare problem, but their refusal to take daily opportunities to leave."

This contrasts starkly with an *ABC* account that, "Many asylum seeker and refugee children do not go to school on Nauru, complaining about teaching standards at local schools and harassment from other students."

*The Diplomat* contacted the Free the Children NAURU group, via email, and was given information by someone who has worked with the children and is considered a "trusted adult" by their parents. They asked to remain anonymous due to possible repercussions.

Among an extensive list of reasons for the children not going to school, including language barriers and water restrictions, they wrote that children had experienced sexual harassment and discrimination while attending the local schools. After reporting an incident of inappropriate touching to the principal, a girl was allegedly threatened by the accused boy with a knife. The asylum seeker and refugee children have relayed to the source that teachers do not intervene when they witness such incidents. Others have complained of taunts such as, "this is not your country," "you are ugly refugees" and "we don't want you here." The contact said in the beginning attendance of children from the processing center at the local schools was about 80 percent and this is now down to about 10 percent. "Chris Kenny's comments could not be further from the truth. Aside from freedom, the asylum seekers and refugees parents and children place education as the opportunity they value the most," the source said.

## Isolated Australia

Australia's human rights record was recently reviewed at a UN Human Rights Council session, where it drew

resounding criticism from a sizeable list of countries. Sweden's delegate said Australia was the only country in the world that used offshore processing and mandatory detention. Speaking about the review, Professor Sarah Joseph from the Castan Centre told the *ABC* "it was manifestly clear that we are not role models on issues of asylum. We are pariahs."

When it comes to human rights Australia is limiting itself to a "do what I say and not what I do" approach to regional leadership. Australia is compromising its ability to call out the abuses of other states, not only for being hypocritical, but also because the government needs the cooperation of states such as Indonesia, Sri Lanka and Cambodia to ensure it can carry out its strict asylum policies.

Last year, Human Rights Watch reports, Australia opposed the Council's resolution to establish an inquiry into series human rights abuses in the Asia-Pacific region, "including the deaths of up to 40,000 civilians in the final months of Sri Lanka's civil war." New prime minister Ranil Wickremesinghe later said, "Australia's silence on human rights issues was the price it paid for Sri Lanka's assistance in preventing ethnic Tamil asylum seekers fleeing to Australia."

And while Australia's policies do not make sense from a humanitarian point of view, they also appear irrational from an economic perspective. The national commission of audit report shows it costs more than AUD400,000 per year to keep one person in offshore detention. A *Guardian* article notes that letting the same person live in the community would cost less than AUD40,000. The article also details research by the International Detention Coalition, highlighting that Australia pays more than three times the amount of countries such as Austria and Canada, per day, to keep asylum seekers in immigration detention. This is attributed to the high cost of running detention centers in remote places.

Director of legal advocacy at the Human Rights Law Centre, Daniel Webb said, "We're currently spending \$1 billion a year detaining asylum seekers offshore. That's more than five times the United Nations refugee agency's entire budget for all of South East Asia."

And while Australia cruelly and wastefully spends time and money exporting its refugee protection responsibilities to other, less well-off, nations it has also slashed the foreign aid budget by about 20 percent in 2015-2016. The largest cut ever.

### Changes on the Horizon?

A glimmer of hope comes in the form of an amended Senate bill, championed by the Greens, which, if passed through the House of Representatives, would require all children (on the Australian mainland) to be released from immigration detention, allow media to access detention centers, and reverse the Border Force Act. Unfortunately, this does not help the children on Nauru. But, if passed, the bill would at least go some way in bringing transparency back to a controversial system that is cloaked in secrecy.

Australia's policy of "keeping people safe" by stopping "illegal migration" involves turning their boats back at great risk and sending individuals to places that are inadequately equipped to process, protect and integrate them. These policies vilify people seeking asylum as "illegals," dehumanizing them, making harsh policies more palatable to the Australian public. But is it really a choice between deaths at sea and draconian style policies that cause immense human suffering and despair? Greens politician Adam Bandt has called for finding a more humane solution, "We can find a better way that allows people to come here, through safer pathways, so they don't die at sea and so we don't lock them up and destroy lives." As prominent barrister and refugee advocate Julian Burnside has said, "It is shameful that we are now trying to treat asylum seekers so harshly that they will be deterred from seeking our help at all." He offers alternatives here.

---

## High Quality Printing?

Come See What Quality Looks Like.

Regular 60% Sales. Shop & Save Now!



## PNG court rules Australia's Manus detention centre unconstitutional

26 April 2016 **Australia**



Papua New Guinea's Supreme Court has ruled that the detention of asylum seekers and

## refugees on Manus Island is unconstitutional.

Australia sends asylum seekers to the Manus Island detention centre under its **offshore processing policy**.

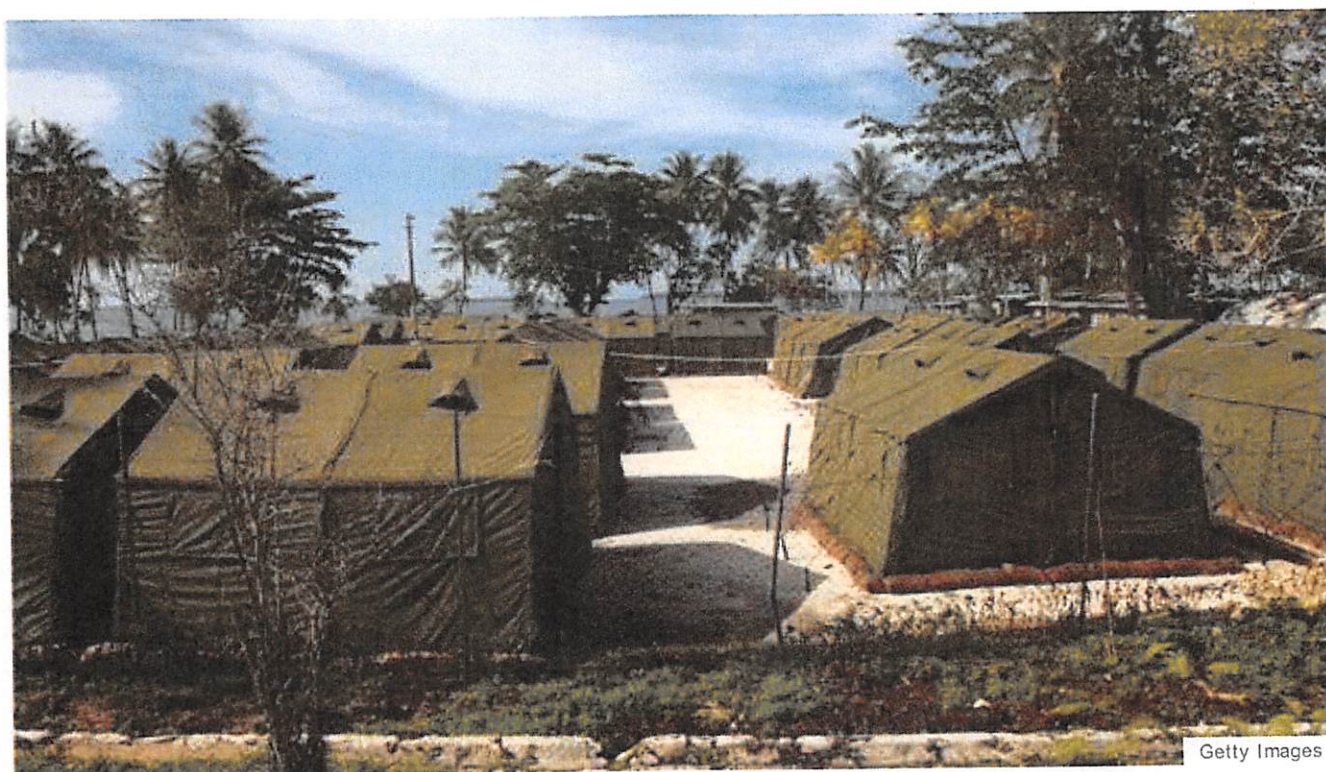
But the five judges on the Supreme Court's bench ruled the camp breached section 42 of the constitution, which guarantees personal liberty.

The court said "all steps" should be taken to end the "illegal" detention.

Currently around 850 men are held on the island, around half of whom have been judged genuine refugees.

### 'Breach of rights'

Papua New Guinea's constitution guarantees personal liberty for all people, except in defined circumstances relating to crime, illegal immigration and quarantine.



Getty Images

In 2014, Papua New Guinea's government amended section 42 of the constitution to add a paragraph that allowed for "holding a foreign national under arrangements made by Papua New Guinea with another country".

But the Supreme Court ruled this amendment was unconstitutional, as it did not meet a requirement to respect "the rights and dignity of mankind".

It said that because the asylum seekers and refugees had not voluntarily entered Papua New Guinea, the situation of illegal immigration did not apply to them.

"The detention of the asylum seekers on Manus Island in Papua New Guinea... is

unconstitutional and illegal," it said.

"Both the Australian and Papua New Guinea governments shall forthwith take all steps necessary to cease and prevent the continued unconstitutional and illegal detention of the asylum seekers or transferees at the relocation centre on Manus Island and the continued breach of the asylum seekers' or transferees' constitutional and human rights."

## Manus Island: a controversial 'solution'

- The camp first opened in 2001 under Prime Minister John Howard.
- It was formally closed in 2008, but reopened in 2012 when a spike in asylum seeker arrivals became a major political issue for the Labor government.
- In 2013 Australia agreed to give Papua New Guinea A\$400m (\$309m; £212m) in aid in exchange for housing a camp and to resettle genuine refugees.
- Deadly riots broke out in February 2014 when local residents entered the facility. In January 2015 some detainees barricaded themselves inside their compound and went on hunger strike.
- Private security contractor Broadspectrum, formerly Transfield Services, currently runs the camp.
- Australia's government says its refugee policy has led to a sharp drop in the number of migrant boats.
- UN agencies and rights groups have criticised conditions at the camp and say Australia is shirking its responsibilities towards refugees and migrants.

## Manus Island: Australia's Guantanamo?

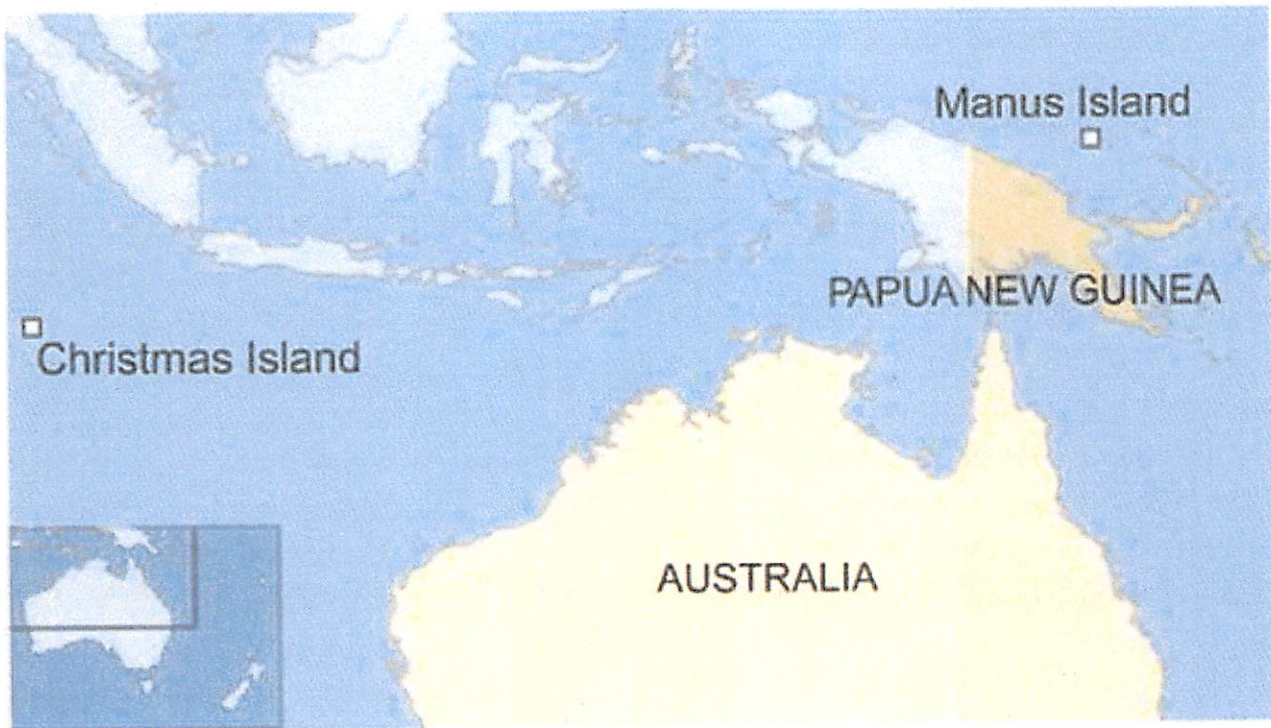
### Australia's controversial asylum policy

## Policy 'won't change'

Australian Immigration Minister Peter Dutton said in a statement that the court's decision did not change Australia's immigration policy.

"People who have attempted to come illegally by boat and are now in the Manus facility will not be settled in Australia," the statement said, repeating the government's long-standing policy.

The opposition Labor party urged the government to hold urgent talks with Papua New Guinea, while opponents of hard-line immigration policy declared offshore processing of asylum seekers dead.



"The game is up. The government has got to shut the Manus Island detention camp and bring these people here," Greens Senator Sarah Hanson-Young said.

"This is an important decision and I welcome it. It shows that the Australian government has been illegally detaining refugees on Manus Island for years."

Papua New Guinea's Prime Minister Peter O'Neill said the Manus Island centre should eventually close, during an address to Australia's National Press Club in March this year.

"Who is going to pay for it? Certainly the PNG government does not have the resources to resettle the refugees," he said. "We are also reassessing the numbers who are supposed to be resettled."

**Share this story** About sharing

---

## More on this story

---

### Manus Island: Australia's Guantanamo?

12 June 2015

### Australia's offshore asylum policy ruled legal by High Court

3 February 2016

# TIME

## What to Know About the Asylum Seeker Standoff on Manus Island

By ELI MEIXLER November 6, 2017

Last week, an Australian-run offshore detention center housing hundreds of asylum seekers was closed down on Manus Island, a small key of Papua New Guinea. New facilities set up to receive them, however, were deemed unacceptable by both the asylum seekers and humanitarian experts — including officials representing the U.N. refugee agency. The inhabitants refused to move, mostly out of fear of attack by their new neighbors upon being transplanted.

Now, a humanitarian crisis has developed as the refugees and asylum seekers — all men from various countries throughout the Middle East and Asia — lack basic services such as food, water and electricity. Some have begun digging deep wells, hoping to strike a life-saving spring. But the governments of Australia and Papua New Guinea refuse to budge in the face of international outcry; the center's shutdown has been in the works for almost a year, and the plan has faced staunch opposition since its inception. The PNG immigration ministry doubled down Sunday by reiterating that the facility will remain closed, will not receive utilities, and that all who remain there must leave, though the question of restoring services will reportedly be taken up again by a PNG court this week.

Australia's offshore detention centers have for years been at the center of gross allegations of abuse such as rape, child abuse, and psychological and physical assault. Reports of suicide within the compounds are also not uncommon. In August 2016, the *Guardian* published a trove of thousands of leaked documents detailing abuses at another facility on the island of Nauru, more than half of them involving children, drawing new scrutiny to the offshore sites. In June of this year, the Australian government reached a \$52.7 million settlement in a class action lawsuit brought by 1,905 asylum seekers claiming they were abused on Manus.

Here's what you need to know about the current crisis:

### What is the Manus Island detention center?

The Manus Regional Processing Center at Lombrum Naval Base is an offshore detention complex formerly administered by private contractors, housing more than 600 men from countries including Afghanistan, Iran, Sri Lanka, Sudan and western Myanmar, among others. The detainees were asylum seekers intercepted while trying to reach Australia by boat. They then were transferred to the center where they waited for their asylum or resettlement claims to be processed, a lengthy ordeal that could sometimes take years. Australia, with one of the strictest immigration policies of any developed country, opened the offshore detention centers on Manus, Nauru and Christmas Island in the early 2000s as part of efforts to deter future arrivals. Controversial from the outset, the Manus facility was closed in 2008, but reopened four years later amid a surge in boat arrivals.

## Why was it closed?

The PNG Supreme Court ruled the Manus complex unconstitutional in April 2016, determining that confinement in the facility violated asylum-seekers' right to personal liberty. PNG Prime Minister Peter O'Neill then asked the government of Australia to make "alternative arrangements" for those residing there. Australia's Immigration Minister Peter Dutton at the time rejected the ruling, saying that Canberra had no part in the legal procedures and would not allow the refugees to enter Australia, but later agreed to a joint relocation plan. On Oct. 31, PNG's Ministry of Immigration and Border Control officially decommissioned the center with assent from the Australian government; food deliveries stopped, lights went out and sewage collection ground to a halt. The relocation sites, according to Reuters, were meant as a stop-gap measure in the wake of the mandatory closure that would keep the men on Manus while they await vetting by the U.S., which has agreed to accept some refugees that tried to reach Australian shores.

## So why won't they leave?

The proposed relocation site has been heavily criticized. The Australian government planned to transfer the refugees to "transit centers" in the island's principal city of Lorengau. But many fear for their safety if forced to leave the encampment. Conflict between the local PNG community and refugees is not uncommon; the marginalized outsiders have been left to dwell far longer than authorities originally intended, and reports of attacks and robbery by locals have become commonplace. Moreover, U.N. officials have said that the new sites are "not ready" for inhabitants, claiming they are still under construction and are not designed to accommodate so many people.

37

Refugees are also fearful of an uncertain future if they move; about 440 of the men at the facility have already been granted refugee status and await resettlement to a third country, the rest fear deportation back to their countries of origin, where they may face persecution.

## What has happened at Manus since the closure?

The UNHCR warned early on of a “looming humanitarian emergency” if basic services were cut off, and that appears to be what is taking place. Toilets are not working, there is no power, medical care has been denied and food and water supplies began dwindling last week. Reports say sickness is spreading, as is anxiety over an attack on the facility by locals frustrated by the standoff and eager for their departure. Human Rights Watch told the BBC on Monday that some of the asylum seekers “have acute medical needs that are not being met,” adding that the situation “continues to be dire with little food and water.” An advocacy group called Asylum Seekers Resource Centre has reportedly been trying to assist urgent medical needs, but the needs are outpacing response capacity.

## What happens next?

The next steps are unclear. Australian authorities are sticking to their line that the asylum seekers must move, either to relocation sites in the PNG community, or back to their countries of origin. Immigration Minister Peter Dutton said in August that “no one from Manus Island Regional Processing Centre will ever be settled in Australia,” and that continues to be the government’s position. Dutton last week accused those refusing to leave the facility of “trying to force a change to that policy,” adding that, “they will not.” Prime Minister Malcolm Turnbull on Sunday rejected an offer by New Zealand Prime Minister Jacinda Adern to resettle some of the asylum seekers, opting instead to pursue a previous agreement with the U.S., according to the BBC. That deal appears unchanged, if perhaps slowed, despite President Donald Trump’s vow to backtrack on the agreement that he called “the worst deal ever.” The *Guardian* reports that some 54 refugees had been vetted under the agreement as of September this year, and they are believed to have already arrived in the U.S. Regardless of long-term resettlement options, rights advocates warn that the standoff is reaching a critical point and requires urgent attention to avoid sickness and conflict.

# The Guardian



## Fourth group of refugees set to leave Nauru for the US

**The 22 refugees are all single men except for one Rohingya man and his wife, refugee advocate says**

**Michael Slezak**

Sun 11 Feb 2018 00.35 EST

The fourth group of refugees to be accepted for resettlement in the United States from Australia's offshore immigration regime are poised to leave Nauru for the US, via Fiji.

The 22 refugees are all single men except for one Rohingya man and his wife, according to Ian Rintoul from the Refugee Action Coalition.

It is the second group to leave Nauru under the controversial resettlement program, following two groups that have also been resettled from Australia's detention centre on Manus Island in Papua New Guinea.

The latest cohort will bring the number of refugees resettled in the US to about 110. About 2,000 refugees and asylum seekers remain in Australia's offshore system.

The controversial "US deal" - decried as "dumb" but upheld by the US president Donald Trump - was brokered by his predecessor Barack Obama and the Australian prime minister, Malcolm Turnbull, in September 2016.

In exchange for the US considering to resettle 1,250 refugees from Australia's offshore camps, Australia has agreed to take refugees from US-run refugee camps in Costa Rica. Those refugees are from the violence-

plagued northern triangle countries of central America: El Salvador, Guatemala and Honduras.

Rintoul said all the refugees in the new cohort are Afghans, Pakistanis and Rohingya. The makeup further confirms fears that Iranians, who make up the largest national group on Nauru, will be excluded from the US intake.

Iran and Somalia were both proscribed by Trump's "travel ban". It is unclear what impact the executive order will have on the US resettlement deal brokered before Trump came into office. The order suspends the entry into the US of nationals from Chad, Iran, Libya, Somalia, Syria, Yemen, North Korea and Venezuela.

According to the Refugee Action Coalition, one of the Rohingya men being resettled has family in Australia. They say the man was been told that if he declined to go to the US, he could expect to be on Nauru for 20 years, or could go to Cambodia.

In December, the Guardian reported that Australian Border Force officials were telling refugees on Nauru they must separate from their wives and children - and face never seeing them again - in order to apply for resettlement in the US.

Recordings of phone conversations and an email chain confirmed the ABF was encouraging permanent family separation, in contravention of international law, and directly contradicting evidence given to the Senate by the department secretary, Mike Pezzullo.

The Department of Home Affairs has been contacted for comment.

*Ben Doherty contributed to this report*

## Since you're here ...

... we have a small favour to ask. More people are reading the Guardian than ever but advertising revenues across the media are falling fast. And unlike many news organisations, we haven't put up a paywall - we want to keep our journalism as open as we can. So you can see why we need to ask for your help. The Guardian's independent, investigative journalism takes a lot of time, money and hard work to produce. But we do it because we believe our perspective matters - because it might well be your perspective, too.

*I appreciate there not being a paywall: it is more democratic for the media to be available for all and not a commodity to be purchased by a few. I'm happy to make a contribution so others with less means still have access to information. Thomasine, Sweden*

If everyone who reads our reporting, who likes it, helps fund it, our future would be much more secure. **For as little as \$1, you can support the Guardian - and it only takes a minute. Thank you.**

Support The Guardian



### Topics

- Australian immigration and asylum
- Nauru
- Asia Pacific
- Migration
- news