



# PROTECTING REFUGEES IN AUSTRALIA AND GLOBALLY

UNHCR is mandated by the United Nations General Assembly to seek international protection and permanent solutions for refugees. It also has the responsibility to supervise the implementation of the 1951 Refugee Convention, to which Australia is a party. In 2018, Australia joined 180 other States around the world in committing to the Global Compact on Refugees for a more predictable and equitable responsibility-sharing framework, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation.

UNHCR outlines the following five key priorities for law and policy reform for the Australian Government in 2024 and beyond:

## 1

### **Ensure fairness and protection for asylum-seekers arriving to Australia**

Seeking asylum is a fundamental human right. Refugees and asylum-seekers worldwide need the same access to fair and efficient procedures regardless of whether they arrive by land, sea, or air. Australia's current practice of intercepting vessels and screening passengers lacks transparency and procedural safeguards. The screening procedures for those claiming asylum at Australian airports should also be strengthened and established in law.

Asylum determination systems need to correctly identify who is genuinely fleeing conflict, violence, and persecution, and give them swift access to protection. To this end, statutory criteria must align with international obligations and asylum-seekers need access to specialised free legal assistance, reliable interpreting services and, for those in need, adequate social support to enable them to live in safety and dignity during the determination process.

UNHCR calls on the Government to abolish the Immigration Assessment Authority, which lacks key procedural safeguards and denies certain asylum-seekers the right to merits review. UNHCR also urges the government to address the situation of those with resolved cases who may require re-adjudication or access to alternative humane solutions.

All those found to be in need of international protection and recognized as refugees in Australia need to be provided permanency, rather than temporary legal status or non-substantive bridging visas. This will afford them the right to reunite with family, access citizenship and quickly become contributing members of society. UNHCR also encourages the Government to establish a statelessness determination procedure in law to ensure appropriate status and associated rights are provided to stateless people in Australia.

## 2

### **Address the detention of refugees and asylum-seekers**

Australia has a proud history of refugee settlement, and refugees integrate and contribute best into their new homes when they are empowered to study, work and start their new lives. People seeking asylum should be detained only as a matter of last resort, and not beyond a clearly defined period as required for the purpose of health, identity, and security checks. Any initial orders of detention for refugees and asylum-seekers should be subject to review by a court or other independent authority.

UNHCR urges the Government to reform the legal and policy framework to ensure safeguards are in place to prevent arbitrary and long-term detention. This includes implementing a statutory statelessness determination procedure to protect the rights of stateless persons in detention. At the end of 2023, the average period of detention for refugees in Australia was 3.5 years.

The mandatory visa cancellation of those who have been imprisoned for 12 months or more has led to the protracted detention of those owed international protection who are unable to return. The 'character test' far exceeds the basis for exclusion under the 1951 Convention and thus

denies refugees the status and rights to which they are entitled. UNHCR urges the Government of Australia to reinstate fundamental protections and procedural safeguards in law to ensure refugees are not deprived of their status contrary to the 1951 Convention, nor returned to danger or persecution.

# 3

## **Find solutions for all under Australia's regional processing arrangements**

UNHCR acknowledges the complex challenges of mixed maritime movements faced by countries in the region. However, the cumulative impact of protracted detention, inadequate health and psychosocial support, family separation and a lack of foreseeable long-term solutions to their situation of forced displacement has led to the physical and mental health deterioration of many refugees and asylum-seekers transferred by Australia to Nauru and Papua New Guinea since 2013.

Resettlement in other countries, including New Zealand, will not address the needs of all. These refugees and asylum-seekers who have sought Australia's protection remain Australia's responsibility. UNHCR continues to call on the Government to end its externalization policy. In the interim, appropriate support must be maintained for those offshore, including those in Papua New Guinea, and the Government must ensure that durable solutions are found and effective for all, including through transfers to Australia. Moreover, UNHCR is urging the Government to regularize the status of those brought back, some of whom have now been in Australia for more than a decade, including children born here. Scarce global resettlement places must be reserved for the most vulnerable in states hosting the majority of the world's refugees; Australia can and should provide a permanent pathway for those who are here, starting with those with strong family links to Australian citizens and/or permanent residents.

# 4

## **Reduce the dangers for refugees and asylum-seekers seeking protection**

The tragic reality is that until conditions in countries of asylum meet refugees' basic needs in safety and dignity, and adequate resettlement and other safe and legal pathways are available for the most vulnerable, the incentives for refugees to make risky, irregular journeys will continue. Saving the lives of refugees and asylum-seekers at risk means providing alternatives to embarking on dangerous voyages to seek safety.

Risks can also be substantially reduced through the expansion of resettlement and complementary pathways for admission such as community sponsorship, family reunification, labour mobility schemes, and education programmes. UNHCR encourages the Government to continue to increase its annual humanitarian program, ensure a strong focus on vulnerability and protection needs in line with global priorities, and develop multiyear resettlement programming to support strategically complex situations of displacements.

The Government can also enhance the protection of refugees in the region and beyond by increasing and ensuring consistent humanitarian and development funding to major refugee hosting countries, including the reinforcement of effective asylum and reception systems and support to issue refugee travel documents.

# 5

## **Bring refugee families together**

The reunification of families is an essential component of bringing back greater normality to the lives of refugees. Current policies limit family reunification to costly migratory visas or create limits on age dependency for children preventing the right to family unity for certain refugees. While acknowledging that Australia has processes in place to facilitate family reunification for some, UNHCR urges the Government to expand eligibility and strengthen such mechanisms to achieve an effective and efficient family reunification program so that forcibly displaced families can come together as soon as possible.



**UNHCR**  
The UN Refugee Agency

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