

PROTECTING REFUGEES IN AUSTRALIA AND GLOBALLY

On 17 December 2018, the United Nations General Assembly affirmed the Global Compact on Refugees, after two years of extensive consultations led by UNHCR with Member States, international organizations, refugees, civil society, the private sector, and experts. Australia has joined 180 other States around the world in committing to this framework for more predictable and equitable responsibility-sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation. In the spirit of the Compact, and the political will of the international community as a whole for greater solidarity and better responses to this global challenge, we outline our six key priorities for reform. UNHCR is asking the Australian Government to:

1 **Ensure fairness and protection for asylum-seekers arriving in 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. Asylum systems need to quickly identify who is fleeing conflict, violence and persecution, and give them swift access to protection. To this end, all asylum-seekers should have access to legal representation, adequate interpreting services and basic financial assistance throughout the asylum process. The existing fast track process, which lacks key procedural safeguards, should be abolished. All people found to be in need of international protection and recognized as refugees should be offered permanent, rather than temporary, legal status in Australia.

Australia's current practice of intercepting vessels and 'screening' passengers does not allow adequate consideration of their claim for international protection, given the lack of procedural safeguards and particular haste in that unique context. Passengers returned to the country from which they departed or their country of origin (since 2013) have included people from Syria, Somalia and Myanmar - three of the top five countries refugees were forced to flee in 2017.

UNHCR urges the Government of Australia to reinstate fundamental protections and procedural safeguards to ensure refugees are not returned to danger or persecution. All people who are intercepted should be disembarked in Australia and provided with the opportunity to seek asylum through fair and efficient procedures.

2 **Allow refugees and asylum-seekers to thrive in Australian communities**

Australia has a proud history of refugee resettlement, which has consistently shown that refugees integrate and contribute best to their new homes when they are empowered to study, work and thrive. 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 judicial safeguards under an independent administrative legal authority. The average period of detention for Australia is now an unprecedented 500 days.

3 **Find solutions for all under Australia's 'offshore processing'**

Since 2013, more than 3,000 refugees and asylum-seekers have been transferred by Australia to Papua New Guinea or Nauru. While this policy has been commonly referred to as 'offshore processing,' more than half still have no permanent solution after almost six years. Approximately 288 refugees and asylum-seekers remain in Nauru, along with a further 343 in Papua New Guinea. Almost 1095 refugees and asylum-seekers returned to Australia for primarily medical reasons also have no legal certainty or stability.

Neither Nauru nor Papua New Guinea are suitable places of long-term settlement for refugees transferred there by Australia, particularly in light of their acute needs as a result of the harsh conditions they have endured. More than 80% of people in both Papua New Guinea and Nauru have been recognized as refugees. Return to their home countries would therefore mean exposure to danger and persecution, and is not a feasible option.

These refugees and asylum-seekers who have sought Australia's protection remain Australia's responsibility. UNHCR is calling on the Government of Australia to find solutions for all, including immediate acceptance of New Zealand's ongoing settlement offer, as well as allowing those with close family in Australia to be reunited with them here.

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 (by sea, land or air) to seek safety.

The Government of Australia can enhance the protection of refugees in the region and beyond through increasing and ensuring consistent humanitarian and development funding to major refugee hosting countries, including the reinforcement of effective asylum and reception systems. Risks can also be substantially reduced through the expansion and improvement of resettlement pathways, including for family reunification.

5 Bring refugee families together
Family unity is a fundamental human right. The current Australian approach of applying the lowest processing priority to family visa applicants who are sponsored by permanent residents who travelled to Australia by sea has caused prolonged separation of parents and children; husbands and wives. Additionally, refugees and asylum-seekers who sought Australia's protection after July 2013, and who were transferred to 'offshore processing' facilities in Papua New Guinea and Nauru, have been prevented from reuniting with family members who are in Australia. Refugees held under 'offshore processing' arrangements with close family in Australia should be permitted to reunite with them there. Refugees abroad who are identified and referred by UNHCR on the basis of acute protection needs, and who are separated from family in Australia, should be considered for resettlement in Australia in accordance with standard vulnerability criteria.

6 Renew the protection focus of Australia's humanitarian intake programme
The increase in Australia's humanitarian programme intake (18,750 places in 2018-2019) is critically needed and welcome in the context of increased refugee resettlement needs worldwide. However, the portion of these places available for UNHCR-referred refugees has been steadily declining in recent years. Australia has one of the world's most successful and comprehensive settlement sectors, allowing refugees to quickly and meaningfully integrate into their new country. Community sponsorship programmes should be used to provide pathways to protection that are additional to regular resettlement. UNHCR encourages the Government of Australia to create more opportunities for UNHCR to refer vulnerable refugees to Australia, in accordance with its robust capacity and demonstrated expertise in this area. Access to the humanitarian programme should be primarily determined on the basis of vulnerability and protection needs.

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