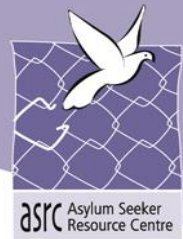


OFFSHORE PROCESSING & RESTTLEMENT MYTHBUSTER



MYTH: Offshore processing and resettlement will stop the boats

Migration experts and refugee organisations agree that the number of boat arrivals depends on conditions in the countries from which asylum seekers flee and *not* on domestic policies in destination countries (such as offshore processing).¹

Push factors – including persecution, discrimination, ethnic conflict, human rights abuses and civil war – have a far greater impact on asylum seeker numbers at any one time. Andrew Metcalfe, former Secretary of the Department of Immigration (2005–2012) determined that the Nauru detention centre was ineffective, stating that “detaining people for years has not deterred anyone from coming”.²

Even the Department of Immigration and Border Protection (DIBP) media release of 13 March 2014 does not claim to have stopped the boats; rather, it announces the number of days since “a successful people smuggling venture to Australia”.³ Numerous documented turn-backs and tow-backs are further evidence that asylum seekers have not stopped attempting the voyage.

MYTH: Offshore processing is necessary to stop people smuggling

The purported aim of saving lives at sea cannot justify severe violations of other human rights that offshore processing entails.

People who are fleeing persecution in their home countries turn to people smugglers in desperation. Processing by the UNHCR in Indonesia is excruciatingly slow and uncertain.

People will not get on boats and pay people smugglers if there is a safer pathway to take. A humane and practical way to destroy the business of people smuggling is to increase Australia’s humanitarian intake and improve the UNHCR’s capacity to process refugees in Indonesia in a timely and efficient manner. Australia already funds most of the UNHCR operation in the region – committing to a better-resourced programme would be small change compared with the billions of dollars currently spent on offshore processing and detention.⁴

MYTH: Offshore processing is humane; asylum seekers are treated well

Offshore processing, with its internment of asylum seekers on Manus Island and Nauru, involves grave human rights violations.

The Australian Human Rights Commission President, Professor Gillian Triggs, stated in July 2013 that the Commission had “repeatedly made clear our concerns that third country processing

¹ <http://www.lowyinstitute.org/Publication.asp?pid=1477>,

² <http://www.smh.com.au/federal-politics/society-and-culture/detention-does-no-good-20111026-1mk26.html>

³ <http://www.liberal.org.au/latest-news/2014/03/13/78-days-without-successful-people-smuggling-venture>

⁴ <http://www.theage.com.au/comment/processing-refugees-they-get-the-hits-we-get-the-myths-20140311-34k1r.html#ixzz2wvqGnEAI>

and the conditions on Manus Island may violate fundamental human rights All asylum seekers should have their claims assessed in Australia by the Government.”⁵

Some of Triggs’ concerns include, but are not limited to, health issues. According to the UNHCR, asylum seekers suffer numerous mental health issues with prolonged detention offshore.⁶ Strain is also put on their physical health due to a lack of medical services and appropriate dental care.

There has been an increase in depression among asylum seekers being held on Nauru, due to uncertainty and delays in processing of their applications, the hot and overcrowded conditions and a lack of adequate medical facilities. Both offshore detention facilities that house asylum seekers are situated in hot and humid countries with no infrastructure to deal with the sudden influx of people.

The UNHCR noted that the “legal framework and physical conditions for the detention and treatment of asylum-seekers remain below international standards and, overall, do not provide for a safe, fair and humane standard of treatment”.⁷

The UNHCR is also very concerned about the welfare of children being sent to Nauru and believes the transferring of unaccompanied minors and children with families from Australia should stop.⁸ Unaccompanied minors have little resources, such as reading materials and cannot contact family members, leaving them feeling isolated.⁹ Additionally, there is no schooling in the offshore detention facilities. There have been reports that children have activities for a couple of hours a day but nothing to the extent of activities and education developing children should have.¹⁰

MYTH: Offshore processing and resettlement ensure the safety of asylum seekers

The authorities in charge of offshore detention facilities have grossly failed to ensure the safety of asylum seekers in their care, profoundly illustrated by the death of one asylum seeker and serious injuries suffered by scores more in the violence at the Manus Island facility in February 2014.¹¹ The UNHCR had previously noted its concern;

“From UNHCR’s first-hand experience in supporting Melanesian and non-Melanesian refugees in PNG for nearly 30 years, it is clear that sustainable integration of non-Melanesian refugees in the socio-economic and cultural life of PNG will raise formidable challenges and protection concerns.”¹²

MYTH: Offshore processing meets Australia’s international obligations

⁵ <https://www.humanrights.gov.au/news/stories/regional-resettlement-arrangement-raises-human-rights-questions>

⁶ <http://www.sbs.com.au/news/article/2013/11/27/unhcr-criticises-offshore-detention-centres>

⁷ <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf>

⁸ <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Nauru%20of%207-9%20October%202013.pdf>

⁹ <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf>

¹⁰ <http://www.smh.com.au/federal-politics/political-opinion/befuddled-julie-bishop-confuses-the-facts-over-sovereign-borders-20140312-34mq2.html>

¹¹ <https://medium.com/p/2c71a099da7d>

¹² <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf>

Australia's offshore processing is in breach of our international humanitarian and legal obligations.

Article 31 of the *Refugee Convention* recognises that refugees have a lawful right to enter a country for the purposes of seeking asylum, regardless of how they arrive or whether they hold valid travel or identity documents. The Article prohibits countries from imposing penalties on refugees who enter or are present in their territory without authorisation. Australia's offshore detention policy and its restriction to (and therefore discrimination against) boat arrivals places Australia in breach of this Article.¹³

In addition, the current offshore processing regime has been found by the International Human Rights Committee to be in breach of Article 9 of the *International Covenant on Civil and Political Rights*, which seeks to protect people from acts such as arbitrary detention.¹⁴

The UNHCR has found that both offshore processing centres constitute arbitrary and mandatory detention, do not provide a fair and efficient system for assessing refugee claims, do not provide safe and humane conditions for asylum seekers, and do not provide for adequate and timely solutions for refugees.¹⁵

MYTH: Offshore processing is cheaper than processing in Australia

Offshore processing is significantly more expensive than detention on the mainland. This is because of the increased cost of delivering services to remote locations.

In January 2012 DIAC (now the Department of Immigration and Border Protection, or DIBP) prepared an infrastructure report on Nauru for the Immigration Minister.¹⁶ It projected that the estimated cost for setup of a 500-bed facility on Nauru to be just under \$2 billion dollars over four years. The addition of the Manus Island facility will increase this figure even further. In 2013, Martin Bowles, the Secretary of DIAC stated that processing asylum seekers *in* Australia costs just one-fifth (20%) of the amount required to process someone offshore.¹⁷ This is using a conservative figure for offshore processing. It is estimated that each asylum seeker in offshore detention will cost \$1 million once infrastructure is taken into account.¹⁸

¹³ <https://www.refugeecouncil.org.au/f/who-conv.php>

¹⁴ <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹⁵ <http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf>

¹⁶ http://www.minister.immi.gov.au/media/media-releases/_pdf/infrastructure-report-nauru.pdf

¹⁷ *Hansard*, Senate Estimates, 27-28 May 2013.

¹⁸ <http://www.abc.net.au/4corners/stories/2013/04/29/3745276.htm>