

Humanitarian Regional Approach

Policy Statement

The ASRC endorses the findings and recommendations of the Australian Human Rights Commission in its 2016 *Pathways to Protection*¹ report.

The ASRC urges the Australian government to abandon its ineffective policy of 'deterrence' and commence a humanitarian response which is effective and humane. The Australian government must meaningfully engage with the global refugee crisis and take a lead in the Asia-Pacific region as a collaborator and instigator of protective and durable policy

Protective and durable policy requires the closure of detention centres, offshore and onshore, and the cessation of mandatory detention of people seeking asylum.

In response to the growing global need for resettlement, Australia should significantly increase its Refugee and Humanitarian Program. Australia should expand alternative and protection sensitive migration pathways for people seeking asylum and refugees.

The Australian Government should significantly increase opportunity for family reunion outside of the Special Humanitarian Program and increase opportunities for community sponsorship and involvement in the resettlement process.

The Current Situation

There is immense need for resettlement of refugees globally, particularly in light of reduction of resettlement by the United States.

Most countries in the Asia-Pacific region are not signatories to the Refugee Convention however are home to large numbers of refugees fleeing harm in other countries. In particular, Indonesia, Thailand and Malaysia host many displaced people who have fled their countries to avoid persecution. Unfortunately, people who are displaced do not have legal status in the host country. They have no right to work

and face a constant threat of being detained and experience exploitative and illegal labour practices which amount to modern slavery. It is very difficult for refugees to survive in these countries.

In addition to these push factors, Australia's failure to allow some refugees to seek family reunion, while not providing an adequate number of places for those that can, has in the past resulted in more people seeking to enter Australia by irregular means so that they may be reunited with their family member.

Australia's current policy is one of deterrence. It seeks to stop people taking dangerous journeys to enter Australia. Current policy does not recognise the protective needs of people fleeing persecution and does not adequately reflect the role Australia should take as a signatory to the *Refugee Convention 1951* and as an economic leader in the Asia-Pacific region.

There are currently very limited pathways to safely enter Australia. These pathways are not adequate to responding to the growing need for resettlement.

Australia's Refugee and Humanitarian Program (RHP) currently accepts only 13,750 people. More than half of the RHP is taken up by applications for family reunion by people in Australia. The demand for protection through resettlement in Australia far outstrips the capabilities of the RHP.

Community sponsorship of refugees to very limited. Currently it is mostly limited to the Community Support Program (CSP). The CSP is prohibitively expensive and, again, the number of places available does not adequately meet the demand for resettlement.

As discussed by the Australian Human Rights Commission in its *Pathways to Protection* report, there are currently few effective mechanisms for fostering a collaborative and constructive regional approach to refugee protection in the Asia-Pacific region.

Recommendations

- Increase the size of the Refugee Humanitarian Program (RHP) to at least 30,000 spaces in 2018/19 to respond to the growing need for resettlement, particularly in the Asia-Pacific region, however also to respond to specific critical needs like those being experienced by the Rohingya in Myanmar. Progressive increase the RHP intake to 50,000 by 2025.
- The creation of a critical response quota in addition to existing quotas to respond to acute and specific need.
- The RHP to be used holistically with improved diplomatic mechanisms and communication to foster a collaborative approach to refugee protection needs by States in the Asia-Pacific region.
- The creation of a new, separate family reunion pathway which provides adequate numbers to respond to need.
- Replace the Community Support Program with a private sponsorship program which allows community members to raise funds in support of private sponsorship. The new private sponsorship program should initially allow for at least 5,000 spaces annually.
- Developing alternative pathways for safe entry to Australia.
- Use of diplomatic negotiation to increase the safety of refugees in host nations including the right to work and the right to access medical care.
- Adequate funding and aid to host countries to better support refugees and to United Nations organisations to produce efficient and timely refugee status determination processes in host countries.

Key Facts

- "Australia is by no means the only country in the world currently grappling with responses to flight by sea. In fact, flight by sea is becoming an increasingly common response to inadequate protection and protracted displacement.²"
- Since 19 July 2013, Australia sends all people arriving by boat to Papua New Guinea (Manus Island) and Nauru for processing of their applications for Protection. The processing of people on Manus Island and Nauru is not consistent Australia's obligations under international law. People have the right to be free of torture, arbitrary deprivation of life, cruel or inhuman treatment or punishment, degrading treatment or punishment and have the right to safety, to adequate standards of health and education and to a robust and fair legal system.
- Australia's policy of sending people to third countries for processing, and turning back boats arriving to Australia, is a policy that seeks to minimise the numbers of people seeking asylum in Australia. This policy of deterrence is inefficient and irresponsible. It does not in any way approach the growing refugee need in the Asia/Pacific region in a manner which seeks to meaningfully resolve human displacement. Nor does it not adequately meet our responsibilities as a signatory to the Refugee Convention and does not adequately reflect our standing as a G20 nation in the region.
- "Over the past two decades, the global population of forcibly displaced people has grown substantially from 33.9 million in 1997 to 65.6 million in 2016. There are now 22.5 million refugees worldwide, an increase in 1.2 million from 2015. This includes 17.2 million under UNHCR's mandate and 5.3 million Palestinian refugees registered under UNWRA.³"
- Between 2011 and 2015, the number of forcibly displaced people worldwide increased by over 50 per cent.⁴

- Australia does not take its fair share of refugees. "Of the 2.5 million refugees who had their status recognised or were resettled in 2016, just 1.43% were assisted by Australia (34,193 people).⁵"
- "Australia recognised only 6,567 asylum seekers last year, protecting just 0.28% of the world's asylum seekers. At the end of 2016, Australia had 29,590 asylum applications pending.⁶"
- "The Refugee and Humanitarian Program made up 6.7% of the 205,383 permanent additions through migration in 2014-15. The total number of settler arrivals and onshore visas issued by migration category were: Family 61,085 (29.7%), Skill 127,774 (62.2%), Special Eligibility 238 (0.1%), New Zealand citizens granted permanent visas 2,530 (1.23%) and Refugee and Humanitarian 13,756 (6.7%). Humanitarian arrivals peaked at 48.9% of Australia's settler intake in 1949-50 and exceeded 20 per cent in 1948-49, 1950-51, 1979-80 and 1983-84."⁷
- The Refugee and Humanitarian Program must be expanded to acknowledge growing need for protection in the Asia/Pacific region and globally.
- There is only limited opportunity for community sponsorship of refugees and the current system is costly. There is a need for expansion of community sponsorship programs.
- There is little to no opportunity for refugees in Australia to seek family reunion as Australia's migration programs to do not allow sufficient quotas for family reunion.
- The lack of opportunity to enter Australia and seek asylum safely necessarily forces people to take dangerous migration pathways, including travel by boat, as their need to flee their home areas often outweighs the dangers present en route to Australia. Increasing opportunity for safe travel and access to Australia decreases the likelihood for dangerous travel by people fleeing persecution in their home countries.

¹ Australian Human Rights Commission, Pathways to Protection: a human rights-based response to the flight of asylum seekers by sea, 2016, http://www.humanrights.gov.au/sites/default/files/20160913_Pathways_to_Protection.pdf

² Australian Human Rights Commission, Pathways to Protection: a human rights-based response to the flight of asylum seekers by sea, 2016, http://www.humanrights.gov.au/sites/default/files/20160913_Pathways_to_Protection.pdf

³ Refugee Council of Australia, *UNHCR Global Trends 2016 – How Australia compares with the world*, <https://www.refugeecouncil.org.au/getfacts/statistics/intl/unhcr-global-trends-2016-australia-compares-world/>

⁴ United Nations High Commissioner for Refugees, Global Trends 2011: A Year of Crises (2012) 3. At <http://www.unhcr.org/4fd6f87f9.html>; United Nations High Commissioner for Refugees, Global Trends: Forced Displacement in 2015 (2016) 2. At <http://www.unhcr.org/576408cd7>

⁵ Refugee Council of Australia, *UNHCR Global Trends 2016 – How Australia compares with the world*, <https://www.refugeecouncil.org.au/getfacts/statistics/intl/unhcr-global-trends-2016-australia-compares-world/>

⁶ Refugee Council of Australia, *UNHCR Global Trends 2016 – How Australia compares with the world*, <https://www.refugeecouncil.org.au/getfacts/statistics/intl/unhcr-global-trends-2016-australia-compares-world/>

⁷ Refugee Council of Australia, *Refugee needs and trends: a statistical snapshot*, <https://www.refugeecouncil.org.au/getfacts/statistics/aust/asylum-stats/refugee-needs-trends-statistical-snapshot-2/>