

RECENT CHANGES IN AUSTRALIAN REFUGEE POLICY

Updated July 2016

Recent years have seen numerous changes to Australia's refugee and asylum seeker policies, largely as a political response to an increase in the number of asylum seekers arriving in Australia by boat (51,637 arrivals in the five years to December 2013) and a consequent increase in deaths at sea between Indonesia and Australia (at least 862 deaths recorded over the same period).¹ Both of Australia's major political parties have attempted to address this issue through deterrence-based policies which block access to protection in Australia and impose penalties on people who arrive by boat. This document summarises some of the more recent policy changes.

Refugee and Humanitarian Program

During the 2012-13 financial year,² the size of Australia's Refugee and Humanitarian program was increased from 13,750 to 20,000 places, divided between offshore resettlement and onshore protection. This was the largest increase to the program in 30 years and resulted in an 87% rise in the number of offshore resettlement visas granted. With the change of government in September 2013, the size of the Refugee and Humanitarian Program was reduced back to 13,750 places, with the majority of these places dedicated to offshore resettlement. This allocation of 13,750 places, with 11,000 reserved for offshore resettlement, will continue until 2016-17, with the Government indicating small increases possible in 2017-18 (to 16,250 places) and then to 18,750 places in 2018-19. In September 2015, the Government announced that it would make additional 12,000 humanitarian places available to refugees from the crises in Syria and Iraq. People in this intake will receive a permanent visa and it is expected that they will arrive within two or three years from the time the decision was announced.

Immigration detention and community alternatives

Indefinite mandatory detention: Asylum seekers who arrive without a prior valid visa (by sea or air) continue to be subject to indefinite mandatory detention. As of 31 May 2016, 1,570 people were held in closed immigration detention facilities in Australia, 529 of whom were asylum seekers who had arrived by boat. The average length of detention for people in closed detention facilities was 459 days, with 693 people (44% of the total population) having been detained for over a year and 399 for more than two years. As of 31 May 2016, there were no children held in closed detention facilities in Australia.

Community placements: The use of community detention as an alternative to held detention was expanded in October 2010. In October 2011, the Government began to release large numbers of asylum seekers from closed immigration detention facilities in to the community on Bridging Visas (subclass E). These visas allow people to live in the community pending resolution of their protection claims. Most asylum seekers living in the community on Bridging Visas have access to Australia's universal health care system, Medicare, and receive a basic living allowance equivalent to the 89% of Centrelink Special Benefit. People who are in community detention can move freely in the community but cannot choose where they live. They must live at an address specified by the Minister for Immigration. They are also subject to curfews and other supervision arrangements. As of 31 May 2016, there were 658 people (including 317 children) in community detention and 28,329 people living in the community after the grant of a Bridging Visa E.

¹ Analysis of political claims about numbers of deaths at sea can be found at <http://theconversation.com/factcheck-have-more-than-1000-asylum-seekers-died-at-sea-under-labor-16221>

² The year to 30 June 2013.

Work rights: Until December 2014, asylum seekers who arrived in Australia by boat after 13 August 2012 and subsequently released from immigration detention facilities on Bridging Visas were not eligible to work. In December 2014, the Government decided to grant work rights to asylum seekers in this group. People in community detention do not have work rights. Most asylum seekers now have a renewed Bridging Visa that does not bar them from working. However, there are still difficulties in timely renewal of Bridging Visas, and practical barriers to obtaining employment. These obstacles mean that many asylum seekers with the right to work have difficulty finding employment to support themselves. As the processing of their refugee claims continues, it is also likely that people will lose work rights if their claims are refused.

Access to case support: Under the Status Resolution Support Services (SRSS) program, some Bridging Visa E holders who have complex needs are eligible for more intensive casework support but the majority receive little assistance beyond income support. Those who are particularly vulnerable (such as unaccompanied children, and people with significant physical or mental health issues) may be released into community detention, a form of community placement which is more restrictive but also provides more intensive support than what is offered to those released on to a Bridging Visa.

Refugees with adverse security assessments: People who are found to have a well-founded fear of persecution (found to be a refugee) need to be assessed by the Australian Security and Intelligence Organisation (ASIO), before being granted a protection visa. Between January 2010 and November 2011, ASIO issued adverse security assessments to more than 50 refugees. People subject to this assessment could not be sent back to their country of origin as they were recognised as refugees and the Government said that they would not release them into Australian communities. As a result, they were denied protection visas and remained in indefinite detention in closed detention facilities (some alongside their children). Unlike Australian citizens and permanent residents, refugees do not have a right to appeal the assessment. None of the refugees received reasons or evidence for these adverse security assessments. In the past 18 months, many people in this group have been released into the community after ASIO overturned the adverse assessments. However, several people remain in detention facilities. Nearly all have now been detained for over six years.³ In July 2013, the UN Human Rights Committee found that the indefinite detention of these refugees breached the International Covenant on Civil and Political Rights.⁴

Visa cancellations: The legislative amendments to section 501 of the *Migration Act 1958* in December 2014 added additional grounds on which an individual can fail a character test. These amendments now permit (and in some instances, require) the Minister for Immigration to cancel a person's visa (temporary or permanent) on the basis of character issues, such as having committed a crime or posing some form of perceived threat to the Australian community.

People who have been sentenced to 12 months or more in prison or those who have been sentenced to two or more terms of imprisonment, where the total of those terms is 12 months or more will have their visas mandatorily cancelled. The new cancellation powers place people from refugee backgrounds at risk of prolonged indefinite immigration detention, as they cannot be returned to their countries of origin.

Border Force Act: The Australian Border Force Act took effect on 1 July 2015. The Secrecy and Disclosure provisions of the Act makes it a crime punishable by two years' imprisonment for an "entrusted person" to make record of or disclose protected information. According to the Act, the "entrusted person" could be an Immigration and Border Protection worker,⁵ including people engaged or employed by the Department of Immigration. This can include medical professionals,

³ Read more about Refugees with Adverse security assessment by ASIO here:

<http://www.kaldorcentre.unsw.edu.au/publication/refugees-adverse-security-assessment-asio>

⁴ Decisions available at <http://bit.ly/1jcktl6> and <http://bit.ly/11ZLIZt>

⁵ See the definitions at http://www.austlii.edu.au/au/legis/cth/consol_act/abfa2015225/s4.html

educators, and others contracted by the Australian Government to perform services on behalf of the Department.⁶

Refugee Status Determination (RSD) and legal advice

Excision policy: Under Australian law, a person who arrives by boat without authorisation is barred from applying for any sort of visa, including a Protection Visa, unless the Minister for Immigration personally intervenes to "lift the bar". Known as excision, this policy previously applied only to specific outlying territories of Australia (such as Christmas Island) excised from the migration zone but has been extended to the whole of Australia since 2013. As a result, asylum seekers who arrive anywhere in Australia by boat cannot apply for a visa except at the discretion of the Minister for Immigration.

Delays in refugee status determination: Since August 2012, and following the Federal election in September 2013, refugee status determination (RSD) was suspended for asylum seekers who arrived in Australia by boat. Most asylum seekers living in the community on Bridging Visas waited for well over three years for the opportunity to lodge a protection application. Processing of claims has now recommenced but it is expected to take at least until the end of 2018 before the backlog of around 30,000 refugee claims is cleared.

The 'fast track' process: Australia has introduced a "fast track" RSD process for asylum seekers who arrived by boat between 13 August 2012 and 1 January 2014 and were not taken to Nauru or Papua New Guinea for offshore processing. If their claims are rejected by the Department of Immigration, this group of asylum seekers will no longer be able to apply for review to the Refugee Review Tribunal, the independent statutory authority which used to conduct merits reviews of refugee claims. Instead, the Department of Immigration will decide which of its own negative decisions will be referred to a newly established body, the Immigration Assessment Authority (IAA). The intention of the IAA is to provide a far more limited form of review: asylum seekers generally will not be interviewed and no new information can be presented other than in exceptional circumstances. If an applicant assessed to be an "excluded fast track review applicant", they will be excluded from any form of merits review under the fast track system. Fast track applicants will usually have access to judicial review. However, the Minister for Immigration has the power to issue a "conclusive certificate" which prevents an initial decision from being changed or reviewed.

Changes to RSD and how Australia defines 'refugee': In addition to the fast track process, the Australian Government has made a number of changes to Australia's processes for assessing asylum claims, including shifting the burden of proof on to asylum seekers, removing the references to the Refugee Convention from Australia's migration legislation, removing the reasonableness test from consideration of relocation options for people facing persecution, requiring the Administrative Appeals Tribunal to draw unfavourable inferences about the credibility of refugee claims in some circumstances and creating new grounds to deny Protection visas to people who provide false identity documents.⁷

Removal of government-funded legal advice: Most asylum seekers who arrive without valid visas are no longer eligible for government-funded legal advice. Asylum seekers who arrive with valid visas, and a small number of asylum seekers who arrived by boat which have been identified as particularly vulnerable by the Department of Immigration (such as most people in immigration detention subject to fast track processing and also unaccompanied children), are eligible for free legal advice at the primary stage of decision-making but no longer at the merits review stage.⁸ There

⁶ RCOA's submission on the ABF Act is available at: <http://www.refugeecouncil.org.au/wp-content/uploads/2015/05/1504-ABF.pdf>

⁷ For a briefing on the full suite of changes to RSD and the other laws, see RCOA's document Migration And Maritime Powers Legislation Amendment (Resolving The Asylum Legacy Caseload) Act 2014: What It Means For Asylum Seekers, available at <http://www.refugeecouncil.org.au/wp-content/uploads/2015/02/1502-Legacy-Caseload.pdf>

⁸ Some unaccompanied children who arrived with valid visas and have been immigration cleared might be able to continue having access to free migration advice.

has also been a further reduction of already limited legal advice for those who arrived with valid visas.

Amalgamation of review tribunals into the Administrative Appeals Review Tribunal: On 1 July 2015, the Migration Review Tribunal (MRT), Refugee Review Tribunal (RRT) and Social Security Appeals Tribunal (SSAT) merged with the Administrative Appeals Tribunal (AAT). The amalgamated AAT is responsible for the independent review of a wide range of decisions made by the Australian Government, including the Department of Immigration. Decisions that could be reviewed by the former MRT or RRT, or the cases referred to these review bodies before 1 July 2015 for which a decision was not made by that date, are now reviewed by the AAT's Migration and Refugee Division.

'Enhanced screening' of Sri Lankan and Vietnamese asylum seekers: Since October 2012, asylum seekers arriving by boat from Sri Lanka have been subject to "enhanced screening". Under this process, asylum seekers are interviewed by two officers from the Department of Immigration about their reasons for travelling to Australia. If they raise concerns which suggest they may have a valid protection claim, they are "screened in" so that their claims can be formally processed. If they do not raise any protection concerns, they are "screened out" and returned to their country of origin without having the opportunity to formally lodge a protection claim. This system lacks transparency and denies asylum seekers the opportunity to have their claims fairly assessed. More than 1,000 people have been "screened out" and returned to Sri Lanka since this system was introduced. In July 2014, a group of 41 Sri Lankan asylum seekers who had attempted to enter Australia by boat were intercepted by Australian authorities and screened at sea before being returned to Sri Lanka. Some subsequently fled to Nepal where they were found to be refugees by UNHCR.⁹ Another group of 12 Sri Lankan asylum seekers whose boat was intercepted by the Australian authorities near Cocos Island in May 2016 were also screened at sea before being flown to Sri Lanka. They were reportedly arrested on arrival at the Colombo airport. This "enhanced screening" process has been expanded to people from Vietnam seeking protection. In March and July 2015, two boats carrying Vietnamese asylum seekers were intercepted by the Australian navy and their passengers underwent enhanced screening before being returned to Vietnam. Asylum seekers on the first boat were held at sea for nearly a month. It has been reported that some of the people on board the first boat were subsequently tried and sentenced to two to three years in prison. Another group from the second boat is awaiting a trial.¹⁰

Offshore processing

Transfers to Nauru and Papua New Guinea: Asylum seekers who arrived in Australia by boat after 19 July 2013 are subject to offshore processing. Under this policy, asylum seekers are transferred to detention centres in Nauru and Papua New Guinea's Manus Island where their claims are processed under the laws of those countries. If they are found to be refugees, they will be settled in a country other than Australia. Nauru is offering recognised refugees temporary visas with permanent protection available only if they choose to resettle in Cambodia.¹¹ While PNG has adopted a National Refugee Policy which would allow for permanent settlement and a pathway to citizenship, in practice the process of settlement remains fraught. As of 31 May 2016, 1,309 asylum seekers were detained in Australian-funded Offshore Processing Centres – 466 (including 50 children) in Nauru and 843 on Manus Island. Previously, the Department of Immigration used to report on the number of refugees who were living in Manus Island's East Lorengau Transit Centre and elsewhere in PNG. However, since May 2016, when people residing at Manus Island detention centre were permitted to depart the centre (in order to comply with PNG Supreme Court's ruling), the Department of Immigration ceased to provide this breakdown as it considered the numbers to

⁹ Corlett, D. (2015). "Sinhalese asylum seekers' on-water claims accepted by UN." *The Saturday Paper*, 31 January. <https://www.thesaturdaypaper.com.au/news/politics/2015/01/31/sinhalese-asylum-seekers-water-claims-accepted-un/14226228001441#.VXk3hfmqBc>

¹⁰ Doherty B. (2016). "Vietnamese asylum seekers forcibly returned by Australia face jail", *The Guardian*, 24 May. <http://www.theguardian.com/australia-news/2016/may/24/vietnamese-asylum-seekers-forcibly-returned-by-australia-face-jail>

¹¹ Five refugees recognised in Nauru have taken up the Australian Government's offer of moving to Cambodia. However, four of them have since left Cambodia and returned to their home countries (Myanmar and Iran).

be fluid.¹² The last report that provided such breakdown was the April 2016 Operation Sovereign Borders update. According to that report, 64 refugees were living in Manus Island's East Lorengau Transit Centre and 21 refugees were living elsewhere (presumably still in PNG). This suggests that around 928 refugees and asylum seekers sent to Manus Island remain in PNG. In Nauru and since October 2015, some people who were found to be a refugee have remained in the processing centre under "open centre" arrangements due to unavailability of housing in the community. It is unclear exactly how many are now in the community, although on 3 May 2016 the Minister for Immigration indicated around 700 were living in the community and 350 of those were employed.¹³ This suggests that the total number of refugees and asylum seekers on Nauru is between 1100 and 1200.

Legality of detention in PNG: In late April 2016, the PNG's Supreme Court ruled that the transfer and detention of asylum seekers on Manus Island were illegal and in breach of the right to personal liberty in the PNG constitution. The Supreme Court ordered that immediate steps be taken to end the detention of asylum seekers in PNG.¹⁴ The Australian Coalition 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.

Detention centre conditions: Accommodation standards, facilities and services in the detention centres remain well below international standards. UNHCR and Amnesty International¹⁵ have documented the harsh nature of the conditions and noted the physical and mental health impacts of indefinite detention on the asylum seekers. There have been numerous incidents of self-harm, protests and disturbances on both Nauru and Manus Island. There have been consistent and alarming reports of abuse (sexual and otherwise), including of those living in the community in Nauru and of gay and lesbian people. There has been at least one death as a result of delays in medical treatment and multiple incidents highlighting woefully inadequate health care.¹⁶

Deaths of asylum seekers and refugees on Manus Island and Nauru: In February 2014, peaceful protests by asylum seekers detained in the Manus Island facility degenerated into a riot. Security guards and police stormed the facility and violently attacked asylum seekers, including people who had not been involved in the protests and were attempting to take shelter in their rooms. One asylum seeker, Reza Berati, was beaten to death and over 60 others were injured, some of them seriously. In September 2014, asylum seeker Hamid Khazaei died from a sepsis infection three weeks after he cut his foot at Manus Island detention centre. Inadequate medical care in Manus Island and PNG and delayed medical evacuation allegedly contributed to Mr Khazaei's death. In late April 2016, Omid Masoumali, a refugee who had been living in Nauru for three years, set himself on fire and passed away two days later in a hospital in Brisbane. It took over 24 hours for him to be medically evacuated and transferred to Australia. A few days later, a Bangladeshi refugee living in Nauru died of a suspected heart attack. However, some alleged that he died after deliberately overdosing on tablets.

¹² DIBP (2016), *Operation Sovereign Borders monthly update: May 2016*, <http://newsroom.border.gov.au/releases/operation-sovereign-borders-monthly-update-may-2>.

¹³ Peter Dutton, Minister for Immigration and Border Protection, *Recent incidents in Nauru*, 3 May 2016 <http://www.minister.border.gov.au/peterdutton/2016/Pages/recent-incident-in-nauru.aspx>

¹⁴ Full PNG Supreme Court decision is available here: <https://www.scribd.com/doc/310459779/The-decision#download>

¹⁵ Report of UNHCR's monitoring visit to the Republic of Nauru, 7-9 October 2013, <http://unhcr.org.au/wp-content/uploads/2015/05/2013-12-06-Report-of-UNHCR-Visit-to-Nauru-of-7-9-October-2013.pdf>; Report of UNHCR's monitoring visit to Manus Island, 23-25 October 2013, <http://www.refworld.org/docid/5294aa8b0.html>; *This is Breaking People: Human rights violations at Australia's asylum seeker processing centre on Manus Island, PNG*, Amnesty International, <http://bit.ly/1cESlHg>

¹⁶ On 26 March 2015, the Senate resolved to establish the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru to inquire into and report on the responsibilities of the Commonwealth Government in connection with the management and operation of the Regional Processing Centre in Nauru. On 15 June 2015, the Senate agreed to an extension of time to report until 31 July 2015. The committee was re-established on 10 August 2015 with a new reporting date of 31 August 2015. Read the full report here: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Regional_processing_Nauru/Regional_processing_Nauru/Final_Report

Border protection

Operation Sovereign Borders: Soon after the change of government in September 2013, the Australian Government established “Operation Sovereign Borders”, a military-style response to the movement of asylum seekers by boat to Australia, led by a three-star commander reporting directly to the Minister for Immigration. Australian naval and customs officers were issued with orders to turn back boats carrying asylum seekers “when it is safe to do so”. The Government reveals little information about turnback operations, claiming that doing so would jeopardise their success through providing intelligence to people smugglers. However, in the beginning of 2016, the Department of Immigration reported that since the first boat turnback on 19 December 2013 and until 31 December 2015, 23 boats carrying 685 people had been turned back. In June 2015, allegations were aired that officials of the Australian Security Intelligence Service had paid people smugglers to take 65 asylum seekers intercepted on the seas back to Indonesia. The Australian Government refused to comment on these claims “for security reasons”.

Use of lifeboats: As part of turnback operations in 2013 and 2014, asylum seekers were transferred from their boats to Australian vessels and forced to board fully-enclosed and “unsinkable” lifeboats which were then pushed back towards Indonesian territorial waters.

Detention at sea and transfers: In July 2014, 157 Sri Lankan asylum seekers who attempted to enter Australia by boat were detained on an Australian customs vessel for four weeks before being brought to the Australian mainland and then transferred to the offshore detention centre in Nauru. The Government had been considering options to return them to India (their point of departure), including through inviting Indian consular officials to meet with the asylum seekers and training some asylum seekers to operate the “unsinkable” lifeboats used in turnback operations. The Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act passed in December 2014 gives the Immigration Minister the power to detain people at sea (including outside Australia’s jurisdiction) and send them to other countries or vessels, even without the permission or knowledge of those countries. As noted earlier, the Australian Government has also detained Vietnamese asylum seekers at sea, conducted “enhanced screening” of their protection claims and then transferred them back to Vietnam.

Regional deterrence strategies: The Australian Government is working with other governments in the region to strengthen border protection and deterrence measures so as to combat people smuggling and reduce “irregular movement”. Measures have included donating patrol vessels to Malaysia and Sri Lanka, stationing Australian Customs and Border Protection officials in Indonesia, Malaysia and Sri Lanka and capacity-building initiatives.

Temporary Protection Visas (TPVs)

Previous policy: TPVs were previously in place in Australia between 1999 and 2008. Granted to refugees who arrived in Australia by boat, TPVs allowed their holders to remain in Australia for three years, after which time they had to re-apply for protection. TPV holders could not travel outside Australia, sponsor family members for resettlement and had only limited access to services and support. The negative impacts of these conditions on the health, wellbeing and settlement outcomes of TPV holders have been well documented.¹⁷ In practice, the TPV policy proved impractical because few refugees with temporary status were ever able to return home safely. By the time it left office in late 2007, the Howard Government had quietly granted permanent protection to more than 9,500 of the 11,300 refugees previously on TPVs.

Reintroduction of TPVs: Temporary Protection Visas were reintroduced on 5 December 2014 for all people found to be owed protection but who arrived in Australia without a prior valid visa (by sea or by air). TPVs allow a refugee to stay in Australia for a maximum of three years, after which time their protection claims are reassessed. In contrast to the previous TPV policy, TPV holders who are found to be in need of protection after their initial visa expires are only permitted to apply for another

¹⁷ See the Refugee Council of Australia’s policy brief on TPVs at <http://bit.ly/1oYZAb7>

temporary visa and are not eligible for permanent residency. TPV holders are allowed to work in Australia and have access to Medicare, income support and English language tuition. They are also able to receive torture and trauma counselling and assistance with finding employment. However, they are not eligible for the full range of settlement support services available to other humanitarian entrants. Additionally, they cannot sponsor their family members to join them in Australia and will be barred from returning to Australia if they travel overseas (unless they are given permission from the Minister for Immigration and can demonstrate compelling circumstances for their travel outside Australia). People on TPVs will have difficulty engaging in education and training, as unlike holders of permanent humanitarian visas, they are not eligible for Federal Government programs designed to assist students with financing tertiary study. Unlike permanent residents, refugees on TPVs who require income support only receive payments through Special Benefit, rather than through other income support programs such as the Newstart Allowance, Youth Allowance or Austudy. Recipients of Special Benefit who wish to pursue tertiary study can only continue to receive income support if they are undertaking a vocational course that is likely to enhance their employment prospects and which can be completed in 12 months or less. As such, refugees on temporary visas undertaking courses which take more than 12 months to complete will not be able to receive income support during this time. This is likely to seriously limit tertiary education opportunities for these visa holders.

Safe Haven Enterprise Visas (SHEVs): This new temporary visa is similar to the TPV but will be issued for a period of five years. A refugee living on a SHEV will need to indicate an intention to work and/or study in a designated regional or rural area. If SHEV holders undertake study or work without accessing income support for at least three-and-a-half years, they will be able to apply for another type of temporary or permanent visa (such as a skilled or family visa but *not* a permanent Protection visa). While SHEVs may provide a pathway to permanent residency for some refugees, it is unlikely that most will be able to satisfy the eligibility requirements for permanent visas as they currently exist. So far New South Wales, Victoria, Tasmania, South Australia and Queensland have opted into the SHEV arrangement. While the postcodes of the areas considered part of regional Australia for the SHEV arrangements in NSW and Tasmania have been determined, the details of postcodes eligible for this arrangement in other states are still being finalised.

Other measures

Use of term ‘illegal maritime arrivals’: In October 2013, the Australian Government instructed government staff and contractors to refer to asylum seekers arriving by boat as “illegal maritime arrivals” (previously “irregular maritime arrivals”), despite the fact that it is not illegal under Australian and international law to arrive without authorisation for the purpose of seeking asylum.

Denial of family reunion: Refugees who arrived in Australia by boat and have yet to achieve citizenship have virtually no opportunities for family reunion. While they can be technically eligible to apply to sponsor family members in some situations, they are considered the “lowest processing priority”, meaning that their applications have very little chance of success. In addition, TPV and SHEV holders are not permitted to sponsor family members under any program and will not have the opportunity to become citizens unless the Minister for Immigration chooses to grant them permanent residency (in the case of TPV holders) or they are able to satisfy the eligibility criteria for a permanent Australian visa (in the case of SHEV holders).

REFUGEE NEEDS AND TRENDS: A STATISTICAL SNAPSHOT

Updated July 2016

Global refugee numbers: The number of people forcibly displaced as a result of persecution, conflict, generalised violence and human rights violations as at 31 December 2015 was estimated by the United Nations High Commissioner for Refugees (UNHCR) at 65.3 million. This is 5.8 million more than the previous year. Of that number, 40.8 million were internally displaced persons, 21.3 million were refugees and 3.2 million were asylum seekers. Of the 21.3 million refugees, 16.1 million were refugees under UNHCR's mandate and 5.2 million were Palestinian refugees under the mandate of the UN Relief and Works Agency.¹

Key countries of origin and asylum: The top five countries of origin for refugees under UNHCR's mandate as at December 2015 were Syria (4,872,585), Afghanistan (2,666,254), Somalia (1,123,052), South Sudan (778,697) and Sudan (628,770). The five countries hosting the largest number of refugees were Turkey (2,541,352), Pakistan (1,561,162), Lebanon (1,070,854), Iran (979,437), and Ethiopia (736,086). UNHCR ranked Australia 46th for hosting refugees (63rd per capita and 81st relative to total national Gross Domestic Product) with 36,917 refugees.²

Protracted situations: UNHCR estimates that 6.7 million (41% of those under its mandate) are in protracted refugee situations (left with no durable solution for five years or more).³ The University of Oxford's Refugee Studies Centre says that the average length of displacement of these refugees is "approaching 20 years".⁴

Asylum seekers: In 2015, 4,908,117 people sought asylum (3,094,276 individual asylum applicants, 585,367 seeking asylum through group recognition and 1,228,474 through temporary protection processes) and 2,340,518 people were recognised as refugees (585,367 through group recognition, 526,677 through individual recognition processes and 1,228,474 granted temporary protection). The largest numbers of newly recognised refugees were in Turkey (961,955), Russian Federation (149,662), Germany (143,548), Tanzania (123,582) and Uganda (85,929). As at 31 December 2015, 3,219,941 asylum cases were still pending. Australia received 0.33% of the global share of new asylum seekers (16,117 applications) and recognised 2,377 asylum seekers as refugees (0.1% of the global total).⁵

World's largest refugee crisis – Syria: The number of Syrian refugees in neighbouring countries in the Middle East reached 4.7 million in January 2016. As of 16 February 2016, 2,620,553 Syrian refugees were registered in Turkey; 1,069,111 in Lebanon; 635,324 in Jordan; 245,022 in Iraq and 117,658 in Egypt.⁶

Movements by boat: The number of asylum seekers arriving in Australia by boat peaked at 20,587 in 2013. Since January 2009, Australia has received 51,781 boat arrivals (excluding crew). Around 900 people are believed to have lost their lives at sea en route to Australia over the same period.⁷ The number of boat movements across the Gulf of Aden to Yemen from 2009 to 2013 totalled 406,511. Over the same period, boat movements across the Mediterranean Sea to Greece, Italy, Malta and Spain totalled 189,432.⁸ Irregular boat journeys across the Mediterranean increased dramatically in 2014 and 2015. UNHCR's figures show that in 2015, over one million people (1,000,573) crossed the Mediterranean Sea mainly to Greece and Italy. Of these, 3,735 were missing and believed drowned.⁹ A report published by UNHCR in 2015 found that mixed maritime movements in South-East Asia were three times more deadly than in the Mediterranean in 2015. Nearly 170,000 Rohingya and Bangladeshis are estimated to have made the dangerous journey from the Bay of Bengal since 2012. According to the UNHRC, approximately 12 of every 1,000 people who embark on the journey from the Bay of Bengal do not survive the boat journey. This means out of the 170,000 Bangladeshis and Rohingya embarking on this journey, more than 2000 have died.¹⁰

Refugee resettlement: In 2015, only 107,051 refugees (0.66% of the world's total) were resettled. While the total number of refugees in 2015 grew by nearly 2 million, only 1854 more resettlement places were offered. The 107,051 refugees resettled included 81,171 through UNHCR processes with the remainder being resettled through non-UNHCR programs such as Australia's Special Humanitarian Program or the private sponsorship arrangements in Canada and the United States. Almost 90% of the resettled refugees went to just three nations – United States (62.1%), Canada (18.7%) and Australia (8.8%).¹¹

Global resettlement needs: In its planning for 2016, UNHCR has identified 1,190,519 refugees in need of resettlement. These refugees are divided (by region of asylum) between the Middle East and North Africa (280,915 people, 23.6%), Africa (441,523 people, 37.1%), Asia (153,358 people, 12.88%), Europe (306,950, 25.8%, 90 percent of them being Syrians from Turkey) and the Americas (7,773, 0.65%). Based on the expected global quotas from resettlement states, UNHCR expects to only submit 170,000 refugees for resettlement next year.¹²

Australia's global role in resettlement and refugee recognition: Australia resettled 9,399 refugees in 2015, 2171 fewer than the previous year. It was third overall but Australia fell from first to fourth per capita for the resettlement of refugees from their country of asylum, being passed by Canada, Norway and Liechtenstein. When the combined impact of refugee recognition and resettlement is considered, Australia contributed to 0.48% of the initial or further protection offered to refugees in 2015. By this measure, Australia was ranked 25th overall, 32nd on a per capita basis and 47th relative to national Gross Domestic Product (GDP).¹³

Australia's Refugee and Humanitarian Program: Of the 13,756 Refugee and Humanitarian visas issued by Australia in 2014-15, 6,002 were part of the offshore Refugee Program, 5007 were offshore Special Humanitarian Program visas and 2747 were Onshore Protection visas. The offshore Refugee Program included 1,009 Woman at Risk visas and 133 In-Country Special Humanitarian Program visas. Of those issued visas, 45% were from the Middle East, 40% from Asia and 15% from Africa. During 2014-15, the Australian Government received 62,709 offshore Refugee and Humanitarian visa applications.¹⁴ The Australian government has also committed to settling an additional 12,000 refugees from Iraq and Syria which is expected to arrive over the next two years.¹⁵

Refugee arrivals as a proportion of Australia's total migration: 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%).¹⁶ Humanitarian arrivals peaked at 48.9% of Australia's settler intake in 1949-50 and exceeded 20% in 1948-49, 1950-51, 1979-80 and 1983-84.

Refugee arrivals to Australia since Federation: The total number of refugees settled in Australia between 1901 (when Australia gained independence) and June 2015 is estimated at 836,680. This figure includes 20,000 refugees settled as migrants before 1947 (Parliamentary Library estimate), 749,094 offshore arrivals since 1947 and 67,586 asylum seekers recognised as refugees.¹⁷

Immigration detention in Australia and Offshore: As at 31 May 2016, 1,570 people were held in closed immigration detention facilities in Australia, 529 of whom were asylum seekers who had arrived by boat. 658 asylum seekers were living in the community under community detention arrangements and 28,329 people who arrived by boat were living in the community on Bridging Visas. Of those in closed detention facilities in Australia, 693 people (44% of the total population) had been detained for more than one year, of whom 399 had been detained for over two years. There were no children held in closed detention facilities in Australia, 317 children were in community detention and 4,067 in the community on Bridging Visas. In addition, 1,309 asylum seekers were detained in Australian-funded Offshore Processing Centres – 466 in Nauru and 843 on Manus Island in Papua New Guinea.¹⁸ They included 50 children detained in Nauru.

Refugee status determinations on Nauru and Manus Island: As of 31 May 2016, the government of Papua New Guinea (PNG) handed 1,014 initial refugee status determinations, of which 512 were positive and 502 were negative. 541 refugees (53% of the total) have been given a positive final determination. The government of Nauru handed down 1,194 refugee status determinations, of which 915 were positive (76.6% of the total) and 279 were negative. People with positive refugee status determinations reside in the Nauruan community or in the processing centre under “open centre” arrangements.¹⁹

Refugee status determination through the fast-track process: On 4 April 2016, Immigration Minister Peter Dutton confirmed that of the 30,037 asylum seekers who are awaiting processing onshore after arriving by boat, 28,290 people are yet to have their cases assessed, while about 1,700 have been forced to leave or have left voluntarily.²⁰

¹ UNHCR (2016). *Global Trends Forced Displacement in 2015*. Geneva: UNHCR, <http://www.unhcr.org/576408cd7>, plus statistical annexes at <http://www.unhcr.org/globaltrends/2015-GlobalTrends-annex-tables.zip>.

² UNHCR 2016, *Global Trends 2015*.

³ UNHCR 2016, *Global Trends 2015*.

⁴ See the PRS Project website coordinated by the Refugee Studies Centre, University of Oxford, <http://www.rsc.ox.ac.uk/policy/prs-project>.

⁵ UNHCR 2016, *Global Trends 2015*.

⁶ UNHCR (2016). *Syrian Refugees: Inter-Agency Regional Update, January 2016*, <http://reliefweb.int/report/syrian-arab-republic/syrian-refugees-inter-agency-regional-update-january-2016>.

⁷ Estimate from the Australian Border Deaths Database maintained by the Border Crossing Observatory at Monash University. See <http://artsonline.monash.edu.au/thebordercrossingobservatory/publications/australian-border-deaths-database>.

⁸ Australian figures from Janet Phillips, Parliamentary Library, *Boat arrivals in Australia: a quick guide to the statistics*, 23 January 2014 http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1314/BoatArrivals 2009-13 figures for Gulf of Aden and Mediterranean Sea from UNHCR website (<http://www.unhcr.org/pages/4a1d406060.html>, accessed 17/8/14).

⁹ For 2014 figures, see <http://www.unhcr.org/54d9e9e46.html>; For 2015 figures, see <http://www.unhcr.org/5683d0b56.html>.

¹⁰ UNHCR (2016). *Mixed Maritime Movements in South-East Asia in 2015*. UNHCR Regional Office for South-East Asia: UNHCR. <http://reporting.unhcr.org/sites/default/files/regionalupdates/UNHCR%20-%20Mixed%20Maritime%20Movements%20in%20South-East%20Asia%20-%202015.pdf>.

¹¹ UNHCR 2016, *Global Trends 2015*. Global resettlement figure for 2015 compared to total number of refugees under UNHCR's mandate only.

¹² UNHCR (2016). UNHCR Projected Global Resettlement Needs 2017. Geneva: UNHCR. <http://www.unhcr.org/protection/resettlement/575836267/unhcr-projected-global-resettlement-needs-2017.html>.

¹³ UNHCR 2016, *Global Trends 2015*.

¹⁴ Department of Immigration and Border Protection (DIBP) (2015). *Department of Immigration and Border Protection Annual Report 2014-15*, <http://www.border.gov.au/ReportsandPublications/Documents/annual-reports/DIBP-Annual-Report-2014-15.pdf>.

¹⁵ Department of Immigration and Border Protection (DIBP) (2016). *Australia's response to the Syrian and Iraqi humanitarian crisis*, <https://www.border.gov.au/Trav/Refu/response-syrian-humanitarian-crisis>.

¹⁶ DIBP (2015), *Annual Report 2014-2015*, 30 June 2015, Table 1, p.2.

<https://www.border.gov.au/ReportsandPublications/Documents/annual-reports/DIBP-Annual-Report-2014-15.pdf> in the reporting period, 44 people were granted temporary protection visa. This number was not counted towards the total humanitarian and refugee program due to the temporary nature of those visas.

¹⁷ For details on the sources of these figures, see *National and Global Statistics* appendix to the Refugee Council of Australia's submission on the 2014-15 Refugee and Humanitarian Program (see Table 11, p 8), http://refugeecouncil.org.au/risub/2014-15_Stats.pdf. These statistics have been updated with information from DIBP (2014), *State and Territory Migration Summary – 30 June 2014*, Table 1.19 (p 27) <http://www.immi.gov.au/pub-res/Documents/research/state-territory-migration-summary-june-2014.pdf> and from DIBP's 2014-15 annual report (p. 118) <http://www.border.gov.au/ReportsandPublications/Documents/annual-reports/DIBP-Annual-Report-2014-15.pdf>. DIBP's 2015-16 annual report is not available until it is tabled in parliament which is usually in late October.

¹⁸ Australian Border Force (2016). *Immigration Detention and Community Statistics Summary, 31 May 2016*, <http://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-31-may-2016.pdf>.

¹⁹ DIBP (2016), *Operation Sovereign Borders monthly update: May 2016*, <http://newsroom.border.gov.au/releases/operation-sovereign-borders-monthly-update-may-2>.

²⁰ Australian Broadcasting Corporation News (2016). *Turnbull Government confirms over 28,000 asylum seeker cases unprocessed, 12 April 2016*, <http://www.abc.net.au/news/2016-04-12/government-confirms-over-28000-asylum-seeker-cases-unprocessed/7318924>.