



AFTER THE BOATS HAVE STOPPED:

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Refugees stranded in Indonesia and Australia's containment policies

There are over 14,000 refugees living in limbo in Indonesia. Many came to Indonesia seeking to reach Australia or be resettled to another safe country. However, since the beginning of Australia's Operation Sovereign Borders in 2013, and the reduction of resettlement options, many have found themselves stranded, without basic rights.

There are few solutions for refugees in Indonesia. While refugees are able to stay on a temporary basis, Indonesia does not allow refugees to settle down and build a new life.

Refugees in Indonesia are not allowed to work, have only minimal healthcare or social support, and may face arbitrary detention and destitution. Many refugees face prolonged delays as they wait for resettlement, and without any longer-term solutions on the horizon, some may feel there is no viable alternative but to return home, even where they will face danger.

This brief provides an overview of Australia's role in stopping refugees leaving Indonesia en route to Australia, and highlights the precarious situation refugees now face in Indonesia.

Refugees in Indonesia

In the late 1990s, Indonesia became a transit hub for refugees fleeing war and persecution from Asia and the Middle East. As Indonesia has not signed the Refugee Convention, and does not provide refugees with basic human rights, many refugees did not intend to stay for long.

They hoped instead to be processed for third country resettlement or to make their own way to Australia by boat. However, because global resettlement places have declined so significantly, and Australia has increased its deterrence policies, including Operation Sovereign Borders, many refugees have been forced to remain in Indonesia.



Every week, hundreds of refugees and asylum seekers demonstrate in front of the UNHCR building in Makassar, Sulawesi, demanding a fair resettlement process. Photo credit: Nicole Curby

As of September 2018, there were 13,801 refugees and people seeking asylum registered with the United Nations High Commissioner for Refugees (UNHCR) in Indonesia. 29% are children, 25% adult women and 52% are elderly. The main countries of origin include Afghanistan, Somalia, Burma, Sri Lanka and Iraq. There are likely to be many more refugees in Indonesia who have not registered with UNHCR.

Australia's support for Indonesia to contain refugees

Since 2000, the Australia Government has worked with Indonesia to stop refugees travelling by boat to Australia, and has funded the International Organization for Migration (IOM) to provide support for refugees who have been intercepted and detained by Indonesian officials. This arrangement comes under the Regional Cooperation Agreement.

Under this agreement, Indonesian police and immigration officials agree to intercept refugees and other undocumented migrants and place them in immigration detention centres. Once detained, refugees and people seeking asylum were able to receive support from IOM, funded by Australia. Since 2001, Australia has provided \$388 million to IOM under the Regional Cooperation Agreement, which includes the provision of care for detainees, community housing facilities, information campaigns and capacity building for the Indonesian government.¹

In March 2018, IOM announced that the Australian Government was ending funding under the Regional Cooperation Agreement for any refugees and people seeking asylum who were newly arriving in Indonesia.² The Australian Government stated that the reason for this decision was that it did not want the care under IOM to be a 'pull factor' for refugees to come to Indonesia.³

Under the new arrangement, Australia will still fund care for IOM's existing caseload of 9000 people, but will close its services to any new refugees after 15 March 2018. This leaves over 5,000 refugees with no support in Indonesia.



Four year old Barbis Kazeri was born in Indonesia and suffers chronic health problems. His parents are Iranian refugees. Photo credit: Nicole Curby

Detention

As of December 2017, 3,299 people were detained in Indonesia. Under Indonesian law, introduced in 2011 after diplomatic pressure from Australia,⁴ all undocumented migrants, including refugees, must be detained. Australia has funded detention facilities in Indonesia. Until recently, Australia funded 13 detention centres and 20 makeshift detention facilities. It continues to fund over 42 community housing facilities across Indonesia.

Australia pays for the care of refugees and people seeking asylum in Indonesian detention centres, by funding IOM to provide basic services to detainees such as food, medical care and other essentials. This funding has also included expanding and upgrading a number of immigration detention centres, and the ongoing maintenance and upkeep of detention centres.⁵ However, many people in detention report inhumane conditions, solitary confinement, lack of basic essentials and medical care, physical and sexual abuse and severe overcrowding.⁶

¹ Asher Lazarus Hirsch and Cameron Doig, 'Outsourcing control: the International Organization for Migration in Indonesia' (2018) 22 *The International Journal of Human Rights* 681.

² Antje Missbach, 'Falling through the cracks' *Policy Forum* <<https://www.policyforum.net/falling-through-the-cracks/>>.

³ Kate Lamb and Ben Doherty, 'On the streets with the desperate refugees who dream of being detained' *The Guardian* (15 April 2018) <<http://www.theguardian.com/world/2018/apr/15/on-the-streets-with-the-desperate-refugees-who-dream-of-being-detained>>.

⁴ Amy Nethery and Carly Gordyn, 'Australia-Indonesia cooperation on asylum-seekers: a case of "incentivised policy transfer"' (2014) 68 *Australian Journal of International Affairs* 177.

⁵ Amy Nethery, Brynna Rafferty-Brown and Savitri Taylor, 'Exporting detention: Australia-funded immigration detention in Indonesia' (2013) 26 *Journal of Refugee Studies* 88.

⁶ Human Rights Watch, *Barely Surviving: Detention, Abuse and Neglect of Migrant Children in Indonesia* (2013) <<http://www.refworld.org/docid/51cae2724.html>>; Antje Missbach, *Troubled Transit: Asylum Seekers Stuck in Indonesia* (2015); Amy Nethery, Brynna Rafferty-Brown, and Savitri Taylor, 'Exporting detention: Australia-funded immigration detention in Indonesia' (2013) 26 *Journal of Refugee Studies* 88; Step Vaessen, 'Indonesia's overcrowded refugee detention centres' *Al Jazeera* (16 February 2018) <<https://www.aljazeera.com/news/2018/02/refugee-detention-centres-over>>.



In March 2018, the Australian Government announced it is reducing funding to IOM for the care of refugees in detention. As a result, many refugees are being released from immigration detention by the Indonesian Government.

Over 1,600 refugees have been released from detention in 2018, with IOM expecting that all refugees will be released by the end of the year. However, it is not clear how Indonesia and IOM will screen for refugees who may still end up in detention centres.

As discussed below, hundreds of refugees have been living on the streets outside detention centres in Indonesia. They have asked to be detained so that they may come under the care of IOM and receive a basic living allowance, as well as be eligible for support in a community housing facility. While some refugees have been detained temporarily or provided with community housing, many are excluded as they sought assistance after the cut-off date.

Interception

Australia funds the Indonesian police and immigration officials to intercept refugees who may be seeking to enter Australia by boat. This includes funding for surveillance equipment, vehicles, police stations, patrol boats and the cost of fuel.

Australia also provides training to Indonesian officials on how to intercept refugees and other irregular migrants, including through the Australian funded Jakarta Centre for Law Enforcement Cooperation. To assist Indonesian police, Australian security agencies provide tip-offs to about potential boat departures.

Australian police join Indonesian police on operations to intercept refugees and other undocumented migrants. In a further attempt to deter refugees leaving Indonesia by boat, Australia has also delivered public information campaigns, including through IOM, to dissuade people from seeking asylum by boat.

Since the start of Operation Sovereign Borders in September 2013 to August 2018, 1,764 refugees and other undocumented migrants have been intercepted by Indonesian police with the support of Australian agencies.⁷



Twenty-nine year old Hazara mother of two, Zakhia, outside her accommodation, Pondok Elite, in Makassar, Sulawesi. Photo credit Nicole Curby

(In)voluntary returns

Australia funds the Assisted Voluntary Returns program, administered through IOM. Under this program, airfares and a \$2,000 relocation allowance are provided to any refugee or person seeking asylum willing to return home.

While this program is meant to be voluntary, there are concerns about the voluntariness of such a decision. If refugees have no option to stay in Indonesia and cannot find protection elsewhere, they may feel pressured to return.

The guidelines set by UNHCR state that to freely choose to return to a country of origin, refugees must also have a legal basis to stay in their current host country.⁸ Often, refugees have no other options except remaining in harsh conditions in Indonesia, in a precarious legal situation, or in detention. As such, returns back to their country of origin may not be voluntary.

From 2013 to 2017, IOM returned 4,886 people from Indonesia to countries including Afghanistan, Iraq, and Iran.⁹ Those returning to these countries often face violence, conflict and persecution, raising significant concerns about the safety of people returned.

[crowded-indonesia-180215143237449.html](https://www.crowded-indonesia-180215143237449.html)>.

⁷ Figures obtained through Freedom of Information through the Australian Federal Police, FOI request CRM2019/86, <https://www.righttoknow.org.au/request/flea_disruptions_2#incoming-13210>.

⁸ United Nations High Commissioner for Refugees, *Voluntary Repatriation: International Protection* (UNHCR, 1996) <<http://www.unhcr.org/en-au/3bfe68d32.pdf#zoom=95>>.

⁹ International Organization for Migration, *Assisted Voluntary Return and Reintegration: 2017 Key Highlights* (International Organization for Migration, 2018) <https://www.iom.int/sites/default/files/our_work/DMM/AVRR/avrr-2017-key-highlights.pdf>.

Lack of durable solutions

UNHCR considers that there are three durable solutions for refugees: voluntary repatriation, resettlement and local integration. However, in Indonesia, these options are not a possibility for most refugees, leaving people trapped in limbo.

First, many countries from which refugees have fled are still experiencing ongoing conflict and human rights abuses. For refugees, who have fled war and persecution, the option of returning home safely is not possible. On average, over 80% of people assessed by UNHCR in Indonesia have been found to be refugees fearing persecution upon return.

Secondly, resettlement is only possible for a small number of refugees in Indonesia. In 2017, only 763 people were resettled to a safe third country, namely Australia (433), US (228), New Zealand (66) and Canada (36). The policies of Australia and the US are also significantly reducing resettlement options in Indonesia. Since 2014, Australia has maintained a policy of excluding any refugee from resettlement if they registered with UNHCR after 1 July 2014, as well as reducing the number of refugees it resettles from Indonesia.

As well, the US has drastically reduced its resettlement program. President Trump cut this program by nearly two-thirds in his first year as President, from 96,874 in 2016 to 30,000 in 2018.¹⁰ As such, resettlement is increasingly out of reach for refugees in Indonesia. Recognising the lack of resettlement options, UNHCR has told refugees that most people will not be resettled, and that they should try to integrate in Indonesia as far as possible.

Finally, Indonesia does not consider local integration as a long-term option. While it allows refugees to remain temporarily, refugees are not provided with the right to work or access to healthcare, social support or further education. While there have been some options for children to access local Indonesian schools, this is still limited. Refugees also cannot open bank accounts or legally marry, and they face a range of barriers in everyday life.

This desperation, coupled with the reduction of support from Australia, has led to many refugees living on the streets of In-

donesia,¹¹ while others have had to live on the small support from community members and family overseas. However, as this protracted limbo continues, it is unclear for how long many people can remain on their own savings and the goodwill of the community.



Hundreds of refugees and people seeking asylum demonstrate in front of the UNHCR building in Makassar, Sulawesi, demanding a fair resettlement process. Photo credit: Nicole Curby

Stepping up: refugee-led organisations in Indonesia

Refugee communities themselves have worked to address their current situation. These initiatives include: setting up schools that are led by volunteers; establishing community organisations that provide healthcare, essentials, information and social support; and forming coalitions to advocate to the Australian and Indonesian governments about their future.

Many of these refugee-led organisations rely on small funds from their own community, are led by volunteers and are severely under-resourced. However, with the limited resources available to them, they are making a significant difference in the lives of refugees stranded in Indonesia.

¹⁰ Bill Frelick, 'Trump Slashes Number of Refugees Resettled in US' *Human Rights Watch* <<https://www.hrw.org/news/2018/09/18/trump-slashes-number-refugees-resettled-us>>.

¹¹ Nicole Curby, 'Asylum seekers homeless in Indonesia' *The Saturday Paper* (27 October 2018) <<https://www.thesaturdaypaper.com.au/news/politics/2018/10/27/asylum-seekers-homeless-indonesia/15405588007061>>; Kate Lamb and Ben Doherty, 'On the streets with the desperate refugees who dream of being detained' *The Guardian* (15 April 2018) <<http://www.theguardian.com/world/2018/apr/15/on-the-streets-with-the-desperate-refugees-who-dream-of-being-detained>>.

Refugees and Asylum Seekers Information Center

One such organisation providing vital assistance to refugees in Jakarta is the Refugees and Asylum Seekers Information Center (RAIC). RAIC provides care packages, health screenings, mental health support and legal information to hundreds of refugees in Indonesia. To learn more about the work of RAIC and support them, visit <http://raicindonesia.org/>.

Further reading

Muzafar Ali, Linda Ruth Briskman, and Lucy Imogen Fiske, 'Asylum seekers and refugees in Indonesia: Problems and potentials' (2016) 8 *Cosmopolitan Civil Societies: An Interdisciplinary Journal* 22.

Thomas Brown, 'Refugee-led education in Indonesia' (2018) 58 *Forced Migration Review* 64.

Nicole Curby, 'Asylum seekers homeless in Indonesia' *The Saturday Paper* (27 October 2018) <<https://www.thesaturdaypaper.com.au/news/politics/2018/10/27/asylum-seekers-homeless-in-indonesia/15405588007061>>.

Asher Hirsch, 'Refugees in Indonesia don't want to get on boats. They want basic rights' *The Guardian* (30 August 2018) <<https://www.theguardian.com/commentisfree/2018/aug/30/refugees-in-indonesia-dont-want-to-get-on-boats-they-want-basic-rights>>.

Asher Lazarus Hirsch and Cameron Doig, 'Outsourcing control: the International Organization for Migration in Indonesia' (2018) 22 *The International Journal of Human Rights* 681.

Human Rights Watch, *Barely Surviving: Detention, Abuse and Neglect of Migrant Children in Indonesia* (2013) <<http://www.refworld.org/docid/51cae2724.html>>.

Kate Lamb and Ben Doherty, 'On the streets with the desperate refugees who dream of being detained' *The Guardian* (15 April 2018) <<http://www.theguardian.com/world/2018/apr/15/on-the-streets-with-the-desperate-refugees-who-dream-of-being-detained>>.

Antje Missbach, 'Falling through the cracks' Policy Forum <<https://www.policyforum.net/falling-through-the-cracks/>>.

Antje Missbach, *Troubled Transit: Asylum Seekers Stuck in Indonesia* (2015).

Antje Missbach and Tom Brown, 'The boats may have 'stopped', but more refugees are stuck in limbo in Indonesia' *The Conversation* (22 March 2016) <<http://theconversation.com/the-boats-may-have-stopped-but-more-refugees-are-stuck-in-limbo-in-indonesia-56152>>.

Amy Nethery, Brynna Rafferty-Brown, and Savitri Taylor, 'Exporting detention: Australia-funded Immigration detention in Indonesia' (2013) 26 *Journal of Refugee Studies* 88.

Jewel Topsfield, 'Most refugees in Indonesia will never be resettled: UN Refugee Agency' *The Sydney Morning Herald* (31 October 2017) <<http://www.smh.com.au/world/most-refugees-in-indonesia-will-never-be-resettled-un-refugee-agency-20171031-gzbzbn.html>>.

Step Vaessen, 'Indonesia's overcrowded refugee detention centres' *Al Jazeera* (16 February 2018) <<https://www.aljazeera.com/news/2018/02/refugee-detention-centres-overcrowded-indonesia-180215143237449.html>>.



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