



Refugee Council of Australia

September 2016

THINKING BEYOND OFFSHORE PROCESSING

Key recommendations from the Refugee Council of Australia

The Refugee Council of Australia has always taken a principled stand against offshore processing. Our view has always been that the policy is cruel and inhumane, and that its human and financial cost can neither be justified nor sustained. We have also consistently maintained the view that boat turnbacks should be abandoned as a matter of urgency.

See, e.g. Australia's response, Rec 17; *Eroding our identity*, Recs 2-3.

Our views on the path beyond offshore processing, however, are less well-known. This short paper explains our existing recommendations in some of our key reports, including: [Australia's response to a world in crisis](#) (March 2016, 'Australia's response'), [Eroding our identity as a generous nation: Community views on Australia's treatment of people seeking asylum](#) (December 2015, 'Eroding our identity') and [Improving Refugee Protection in Asia-Pacific: How Australia can make a practical difference](#) (July 2015, 'Improving refugee protection').

Improving protection elsewhere

Take practical steps now to improve the protection of people seeking asylum and refugees in the Asia-Pacific

People who arrive by boat in Australia typically move on from a country in Asia. They do so because in Asia, they live marginal lives. Refugees in these countries typically do not have a formal legal status and are unable to work legally, own or rent property, send their children to school or access basic services such as health care. This also places them at risk of harassment, exploitation, detention and deportation.

See *Improving refugee protection*; *Eroding our identity*, Rec 1 and Appendix 1

We would begin with the most pressing needs of refugees and move gradually towards an agreed and common regional strategy to protect refugees. Some practical steps we could take now would include: making it easier to access procedures to determine refugee status; creating space for and supporting NGOs to provide vital services to refugees and asylum seekers; making sure that people can eat, work and live legally, and are not detained; and making sure they can access education and health services. If refugees are able to get their most pressing needs met, they are much more likely to remain where they are while durable solutions are developed.

See *Improving refugee protection*, *Australia's response*, Rec 2

Other steps can be taken to improve the protection of people in the region, at the same or different times. These include: providing refugees with access to durable solutions; developing national asylum legislation; promoting ratification of the Refugee Convention; and building greater regional consistency in asylum processes and protection strategies, supported by equitable sharing of responsibility for refugees, based on national capacity. A key priority should be the development of a regional strategy for the protection of Rohingya refugees

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Developing an integrated response to protecting refugees

How can Australia influence the development of better protection in our region? Although our credibility is very low, we do have some positive levers of influence. This includes: our program of resettling refugees from countries in Asia (including Malaysia, Thailand, Nepal, Pakistan and India); our foreign aid program which (although much reduced) largely benefits Asian countries; our diplomatic relationships; and decades of expertise in refugee protection among Australian NGOs and government agencies.

See *Improving refugee protection Australia's response*, Rec 1

Australia should use these levers to develop a response to refugee protection that starts well before people come to our shores. Our foreign aid could help countries build capacity, promote reconciliation and help better protect displaced people. Through diplomacy, we could help promote peace and improve the prospects of voluntary return, and encourage resettlement states to work together to promote durable solutions.

What is required is for the Australian Government to work across its various agencies to develop an integrated response that includes the roles of aid, diplomacy, capacity-building and resettlement. To begin that process, the Australian Government should convene a forum across all relevant departments, together with NGOs, peak bodies, intergovernmental bodies and other stakeholders.

Increase protection in other ways

We are in the middle of a global humanitarian crisis. Australia, as a rich country with a long history and expertise in resettlement, can and should do more. Making it easier and less dangerous for people to find safety should be a priority.

Increase existing programs

A simple step would be to increase gradually the number of places available to people under Australia's existing programs to 30,000 places in the next four years. Australia should also continue to allocate an additional 10,000 places for the crises in Syria and Iraq over the next three years.

See *Australia's response*, Recs 3-4

Find alternative pathways to protection

Australia could also significantly expand the existing pilot program for Australian organisations and families to privately sponsor people in need. We could also allocate at least 5,000 places for people in Australia to be reunited with their family through the general migration program and also introduce some concessions that currently make it difficult for them to access this program. The Australian government should also convene a forum to examine other opportunities through our general migration program to offer places to people who could be eligible for other streams of our migration program, such as people with skills in high demand or students.

See *Australia's response*, Recs 7-10



List of key recommendations

Recommendation	Report and Number
Offshore processing and boat turnbacks	
The Australian Government should, as a matter of urgency, abandon the policy of offshore processing and boat turnbacks.	<i>Australia's response to a world in crisis, Recommendation 17</i>
RCOA recommends that the Australian Government: <ul style="list-style-type: none"> a) End Operation Sovereign Borders and cease the interdiction of boats carrying people seeking asylum b) End the practice of “enhanced screening” and ensure that all people seeking asylum have access to the full refugee status determination process, and c) Replace Operation Sovereign Borders with a search-and-rescue response focused on safeguarding the rights of people seeking asylum. 	<i>Eroding our identity as a generous nation, Recommendation 2</i>
RCOA recommends that: <ul style="list-style-type: none"> a) Offshore processing of asylum claims be abolished and the detention centres in Nauru and Manus Island be closed; b) All people currently subject to offshore processing be returned to Australia for processing of their claims; and c) All people who have been found to be refugees after having their claims processed offshore be returned to Australia and granted permanent Protection Visas. 	<i>Eroding our identity as a generous nation, Recommendation 3</i>
Regional cooperation	
The Australian Government should: <ul style="list-style-type: none"> (a) develop a cross-portfolio approach to promoting the protection of refugees and working with other states to explore options to promote: <ul style="list-style-type: none"> i. peace in countries of origin, particularly states from which the number of refugees and asylum seekers is increasing (e.g. Pakistan) ii. reconciliation processes in countries where there is movement towards peace and possibilities for the eventual safe voluntary return of refugees (e.g. Burma, Sri Lanka) 	<i>Australia's response to a world in crisis, Recommendation 1</i>

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<p>iii. access to some form of legal status, alternatives to detention, work rights, education and health for refugees in countries of asylum, particularly in South East Asia</p> <p>iv. cooperation between resettlement states which even more actively engages with host states on other forms of durable solutions</p> <p>(b) convene a forum with NGOs, peak bodies, intergovernmental bodies and other relevant stakeholders to advance the development of this integrated response to displacement, including through consideration of the roles of aid, diplomacy, capacity-building and resettlement.</p>	
<p>The Australian Government should work together with regional governments and other resettlement states to develop a regional strategy for facilitating resettlement and brokering other durable solutions for Rohingya refugees, including through working for the reinstatement of resettlement from Bangladesh.</p>	<p><i>Australia's response to a world in crisis, Recommendation 2</i></p>
<p>RCOA recommends that the Australian Government, as a matter of urgency, develop a plan of action to enhance access to effective protection across the Asia-Pacific region, in line with the suggestions put forward in Section 5.1 of this report.</p>	<p><i>Eroding our identity as a generous nation, Recommendation 1</i></p>
<p>Since 2012, RCOA has been advocating for an incremental process of change in the Asia-Pacific region, which would begin with the most pressing needs of refugees and move gradually towards an agreed and common regional strategy to protect refugees. We have outlined 10 steps which could be taken in any order, country by country, as opportunities arise:</p> <ol style="list-style-type: none"> 1. Removing current barriers to existing refugee determination processes 2. Creating space for and supporting NGOs to provide vital services to refugees and asylum seekers 3. Granting asylum seekers legal permission to remain while refugee status is determined 4. Developing alternatives to immigration detention 5. Granting refugees and asylum seekers the right to work 6. Providing access to basic government services, including education and health 7. Providing refugees with access to durable solutions 8. Developing national asylum legislation 9. Promoting ratification of the Refugee Convention, and 10. Building greater regional consistency in asylum processes and protection strategies, supported by equitable sharing of responsibility for refugees, based on national capacity. 	<p><i>Improving refugee protection, RCOA's 10 steps towards improving refugee protection in the region</i></p>

Increasing protection	
The Australian Government should increase the offshore refugee resettlement program to 20,000 places in 2016-17 and expand the program progressively in the following four years towards an annual program of 30,000 places. This should be done in consultation with settlement service providers and other relevant stakeholders to ensure the expansion is adequately resourced.	<i>Australia's response to a world in crisis, Recommendation 3</i>
The Australian Government should make additional resettlement commitments of 10,000 places each year for the next three years for refugees displaced by the Syrian crisis, also consulting with settlement service providers regarding planning and the allocation of resources.	<i>Australia's response to a world in crisis, Recommendation 4</i>
The Australian Government should: (a) substantially reduce the Visa Application Charge associated with the Community Support Program, and replace this with an Assurance of Support designed to cover the costs of providing settlement support within the first 12 months of arrival in Australia (b) increase the size of the Community Support Program significantly, including by expanding the geographic reach of the Program to ensure that it is available nationally in both metropolitan and regional areas (c) ensure that humanitarian need remains the primary criterion for processing priorities under both the Community Support Program and the Special Humanitarian Program (d) ensure that the Community Support Program includes a "safety net" mechanism to protect those sponsored in cases of emergency or relationship breakdown, and (e) break the numerical link between the Community Support Program and the offshore Refugee and Humanitarian Program, providing a positive incentive for communities with financial means to work together to create resettlement opportunities which otherwise would not exist.	<i>Australia's response to a world in crisis, Recommendation 7</i>
The Australian Government should: (a) allocate at least 5,000 visas under the family stream of the Migration Program for refugee and humanitarian entrants. These visas should offer the following concessions: concession rates or waivers for Visa Application Charges; exemption from certain documentation requirements and the health requirement; prioritised processing if family members are at immediate risk; access to relevant settlement services; and exemption from Centrelink's Newly Arrived Resident's Waiting Period (b) introduce needs-based concessions under the family stream of the Migration Program for people who are sponsoring relatives in humanitarian need and are able to meet some, but not all, of the eligibility and documentation requirements for family visas, and (c) conduct a consultation with refugee communities, practitioners involved in providing support with family reunion applications and other relevant stakeholders, to develop a process for assessing eligibility for the concessions referred to above.	<i>Australia's response to a world in crisis, Recommendation 8</i>
The Australian Government should bring together representatives of business, the education sector, civil society, refugee communities and UNHCR to discuss alternative pathways for refugees to enter Australia, including through the skilled, student and family streams of the Migration Program.	<i>Australia's response to a world in crisis, Recommendation 10</i>