

Nauru and Manus Island, PNG:

Where is the truth, what does it mean and what can we do?

Since 13 August 2012, the Australian Government has transferred over 1,300 men, women and children who sought asylum in Australia, arriving by boat, to indefinite detention in immigration processing centres on Manus Island in Papua New Guinea and Nauru.

“The Nauru Files” are eyewitness accounts of events that have happened on Nauru, leaked from the Department of Immigration and Border Protection and published by the Guardian News Service on 10 August 2016. They indicate to the Australian people and the world the true nature of detention in Nauru and, by extension, on Manus Island, PNG.

The Government has responded by saying that:

- It is not responsible for any reparation, investigation or remediation as Papua New Guinea and Nauru are sovereign nations. However, Australia founded, funds and operates the centres.
- Transferees on Manus Island, PNG and Nauru can return to their country of origin despite the fact that. However, Australia acknowledges that 98% of those on Manus Island, PNG are refugees and returning to their country of origin may mean returning to serious harm or death.
- Many of the incident reports in the Nauru Files are bogus or not as serious as stated. However, Australia has not explained how incident reports written by Department of Immigration employees and contractors can be fabricated by the transferees. It has not explained why three-year-old incidents will only now be investigated in response to media reporting.
- Allowing the transferees to settle in Australia would encourage people smugglers to resume their trade. However, this did not happen as soon as the centres were closed and transferees resettled in Australia in 2008. At that time, over 90% of the people assessed as refugees were resettled in Australia or New Zealand.¹

The Government further asserts that incidents of self-harm and other mental and physical illnesses are not genuine but are attempts by asylum seekers to manipulate a transfer to Australia.

The Nauru Files have been added to and corroborated by the Amnesty International Report *Island of Despair: Australia's 'Processing' of Refugees on Nauru*² released 17 October 2016. The report exposes how the Government of Australia has flouted the 1951 Refugee Convention, undermining its purpose and the values for which it

¹ Phillips, Janet, “*The Pacific Solution’ revisited: a statistical guide to the asylum seeker caseloads on Nauru and Manus Island*” Background Note, Department of the Parliamentary Library, 4 September 2012, p.16 http://www.aph.gov.au/about_parliament/parliamentary_departments/parliamentary_library/pubs/bn/2012-2013/pacificsolution accessed 29/8/16

² Amnesty International, “*Island of Despair: Australia's 'Processing' of Refugees on Nauru*”, Amnesty International, 17 October 2016 <https://www.amnesty.org/en/documents/asa12/4934/2016/en/> accessed 18/10/16

stands by warehousing children, men and women on Nauru ... an open-air prison.”³ The report concludes that “the conditions on Nauru ... amount to torture.”

Since the *Island of Despair* report was released, advocacy groups and members of the community have raised voices in opposition to the fate of the people transferred to Nauru and Manus Island, PNG. The cruelty of Australia’s policy was again reinforced with the announcement on 30 October 2016 that no one who came to Australia by boat after 19 July 2013 will ever be able to come to Australia on any type of visa – student, spouse, business, tourism or family reunion. This is further punishment of innocent people who sought Australia’s protection. The life time ban may well see Australia banning USA or New Zealand citizens: banning professionals from attending conferences, banning family members from attending funerals or weddings. The ban is an extraordinary addition to the current narrative. The move begs the question of whether the Government is listening to any part of the conversation except its own.

As a signatory to the United Nations Universal Declaration of Human Rights and the United Nations Convention Relating to the Status of Refugees, among others, the Government failed to accept responsibility for the wellbeing and outcome of the transferees in both centres.

This report highlights the questions and comments made in relation to the Australian run processing centres on Manus Island, PNG and Nauru. It will answer some of the questions and verify (fact check) some of the claims made in relation to the centres and the transferees.

Background

Instituted as a circuit breaker by the then Labor Government to stem the tide of boat arrivals in 2012, the reopening of processing centres on Manus Island in Papua New Guinea (PNG) and Nauru sparked an era of harsh policy relating to people seeking asylum in Australia and arriving by boat. The policy of offshore detention was extended in July 2013 when then Labor Prime Minister, Kevin Rudd, stated “Those folks are not going to be allowed to settle in Australia”⁴. Despite its history with the centres on Manus Island, PNG and Nauru, the Australian Government reinstated the centres to deflect and deflate the growing tide of people arriving in Australia by boat.

More than three years later with the additional stipulation that transferees cannot be resettled in Australia, there has been little or no change for the people in either centre.

The so-called “Nauru Files” (published by the Guardian news service on 10 August 2016) highlight the plight of the people detained on Nauru and Manus Island, PNG.⁵ The proof is indisputable that people in the centres are at serious risk of mental, physical and emotional harm without imminent sign of improvement.

Because they are located within the sovereign nations of Papua New Guinea and Nauru, the Australian Government denies it has responsibility or influence over the centres. However, the centres were established by and are maintained and paid for by the Australian Government.

Detention is harmful

National policy and political attitude towards people seeking asylum and refugees needs to change. Australians do not want to see people put in harm’s way. Offshore detention is harmful: it is psychologically and physically harmful and leaves transferees with no hope.

³ Ibid

⁴ Australian Broadcasting Commission (ABC), “Kevin Rudd announces new asylum seeker processing and refugee settlement deal with Nauru”, Updated 5 Aug, 2013 <http://www.abc.net.au/news/2013-08-03/rudd-announces-asylum-policy/4863226> accessed 19/9/16

⁵ Evershed, Nick, Liu, Ri, Farrell, Paul and Davidson, Helen, “The Nauru Files: The lives of asylum seekers in detention detailed in a unique database”, 10 August 2016, The Guardian News and Media Limited <https://www.theguardian.com/news/series/nauru-files> accessed 29/8/16

Overwhelming evidence from the Nauru Files, backed up by the Amnesty International Report “*Island of Despair: Australia’s Processing of Refugees on Nauru*” and supported by the ABCs Four Corner’s program “*Island of Despair*” which aired Monday 17 October 2016, show in graphic detail the harm caused by offshore detention.

Australia and Australians should not deny knowledge of the harms caused by Australia’s offshore processing regime. The Government claims to pursue the policies in order to save lives at sea. However, that causing more harm is a viable solution, beggars belief. That causing harm is the only solution, beggars belief.

Resettlement will not restart the boats

In 2008 Australia closed the detention centre on Nauru and resettled the people in Australia. This did not prompt people smugglers to resume their trade. Over 70% of people processed in these centres before 2008 were found to be refugees. Of those, over 90% were resettled in Australia or New Zealand.⁶ Boats did not start arriving again in any significant way until 2011, fuelled by escalation of conflicts in Sri Lanka, Afghanistan, Iraq and Syria.

People attempt to seek asylum in Australia because it is seen as a safe place to take refuge from the danger from which they are escaping. Some of those people are without official identity papers as they never had them, others because they are stateless, others because in their panic to escape, the papers were left behind. In the desperate attempt to find refuge, getting on a boat can be the only option for finding a safe haven.

Detention is costly

Off shore detention is costly. The exact figures are difficult to collate. Conservative government estimates of spending on maintaining the offshore processing centres in Nauru and Manus Island, PNG in 2015-16 was \$880 million (or \$677,000 per person) for the 1300 currently in the offshore processing centres.⁷ This figure does not include the cost of the military operation or boat turn backs nor what has been spent on these centres and building supporting infrastructure in Nauru and PNG already. The 2016-17 budget allows for \$1.1 billion Australian dollars or \$846,143 per person per year to be spent on offshore detention. Some estimate the total cost could be as high as \$10 billion spent on the centres since 2013. There are better ways to spend that money. The total United Nations Refugee budget was \$5.3 billion in 2013⁸ for the more than 20 Million refugees they were trying to protect. Australia is spending a fifth or 20% of that per annum on 1300 people. The cost of offshore processing to the Australian budget is prohibitive. This contrasts sharply with the monies spent on humanitarian assistance onshore which is more like \$32,700 per person in the 2016-17 budget.⁹ A less expensive option is to close the centres and resettle the people in Australia; redirecting centre funds to regional solutions.

Manus Island, PNG Centre is illegal

Even though the Manus Island, PNG Centre has been declared illegal by the Supreme Court of Papua New Guinea, the Australian Government continues to deny responsibility for finding placements for the people it detains on Manus Island, PNG. The Government asserts that all transferees can of course return to their

⁶ Phillips, Janet, “*The ‘Pacific Solution’ revisited: a statistical guide to the asylum seeker caseloads on Nauru and Manus Island*” Background Note, Department of the Parliamentary Library, 4 September 2012 http://www.aph.gov.au/about_parliament/parliamentary_departments/parliamentary_library/pubs/bn/2012-2013/pacificsolution accessed 29/8/16 p.16

⁷ Karlsen, Elibritt, “*Australia’s offshore processing of asylum seekers in Nauru and PNG: A quick guide to statistics and resources*”, Quick Guide, Department of Parliamentary Library, 30 June 2016 p.3 http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/4129606/upload_binary/4129606.pdf;fileType=application/pdf accessed 12/9/16

⁸ UNHCR, “Figures at a glance” UNHCR Geneva 2015 <http://www.unhcr.org/figures-at-a-glance.html> accessed 18/10/2016

⁹ Refugee Council of Australia (RCOA), “2016-17 Federal Budget: what it means for refugees and people seeking humanitarian protection”, RCOA Sydney 2016 <http://www.refugeecouncil.org.au/wp-content/uploads/2014/08/2016-17-Budget-summary.pdf> accessed 18/10/16

country of origin. However, 98% of those detained on Manus Island, PNG have been assessed as refugees.¹⁰ The Australian Government has offered to fund the return of transferees to their country of origin as an alternative to detention. This “refoulement” (official word for return of refugees to their country of origin or another unsafe place) would mean returning to death, torture, persecution or imprisonment. The option of resettlement in Nauru or Papua New Guinea is untenable because neither nation is in a position to support the additional citizens. There is no access to jobs, land, satisfactory education, health care and so on for the would-be new citizens.

Australia's solution needs work

Australia's response requires a bipartisan solution. In contrast to European countries where the priority is search, rescue and recovery, in Australia the focus is on prevention and punishment on a military scale.

The Nauru Files highlight the lack of success of such harsh policies for the people involved. Promises to investigate files and zero tolerance for damage to children are important but some of these files are three years old and the damage continues unchecked.

Unfortunately, successive governments have been aware of the inhumane treatment and conditions but will only act when there is political support for such action. That is why pressure from voters for a more humane approach is important.

The more Australians learn about the actions taken in their name in Nauru and Manus Island, PNG, the more they want the centres closed. Is this the reason for the secrecy: no faces, no names, no history, and no humanity? Did the government know the public would not like the outcome and so chose to hide it?

Senate inquiries and other investigations have not prompted change

The Nauru Files have shown that despite the Moss Review and various inquiries (10 specifically on the Nauru processing centre including six by the Australian Government plus nine on the Manus Island, PNG processing centre including four by the Australian Government)¹¹, that the situation for the transferees has not changed in the more than three years since the centres were reinstated.

Government and refugee agencies have known for some time of the deplorable situation for transferees on Manus Island, PNG and Nauru. Senate Inquiries and other investigations have made this clear.

The revelations of the Nauru Files have changed the landscape in two ways: firstly, providing irrefutable proof that the situation for the transferees is in fact seriously detrimental to their physical health and emotional well-being; and secondly that it has been so over a long period of time. The various inquiries and reports have not contributed to improvements for transferees. Yet those whose asylum claims have been assessed have been found, in 98% of cases on Manus Island, PNG and 77% of cases on Nauru, to be refugees¹². A dire picture of abuse and neglect is drawn with Australia the artist, architect and banker.

The Australian Government has no real plan to end offshore detention. Though it committed to accepting 12,000 additional refugees from the Syrian conflict in September 2015, the best indications are that around 3,000 have been resettled in Australia in the twelve months since the announcement.¹³ The Department of Immigration and Border Protection (DIBP) claims that 4086 people have arrived in Australia between November 2015 and 9 September 2016, as part of this commitment.¹⁴ Canada met its commitment within three

¹⁰ Opcit Karlsen p10

¹¹ Ibid, p11

¹² Ibid, p 10

¹³ Le Grand, Chip, “Only 3000 refugees so far from Syrian war but pace increasing”, The Australian News Paper, 18/6/16 <http://www.theaustralian.com.au/news/nation/only-3000-refugees-so-far-from-syrian-war-but-pace-increasing/news-story/7bbe1f4c6303016872d7f3899b88c704> accessed 19/9/16

¹⁴ Department of Immigration and Border Protection (DIBP), “Australia's response to the Syrian and Iranian Humanitarian Crisis: Monthly Update”, 9 September 2016, DIBP <http://www.border.gov.au/Trav/Refu/response-syrian-humanitarian-crisis> accessed 26/9/16

months of announcing it would take 25,000 government sponsored Syrian refugees (between November 2015 and 29 February 2016).¹⁵ As at 3 February 2017, DIBP says that 9,382 people have now arrived in Australia from the Syrian conflict out of the original 12,000 additional places.¹⁶ This is updated monthly.

Community responses to the release of the Nauru Files

Since the release of the Nauru Files the narrative about offshore detention has increased. There have been protests organised by the #Lovemakesaway movement; a petition to #Bringthemhere is available for signing and there are increasing media reports about the centres and the public's reaction to them. The ABCs Four Corners produced a program on 17 October 2016 based on the Amnesty International report "*Island of Despair*"¹⁷. Both publications report directly on the experience, particularly of refugee children and families, in Nauru and conclude that the processing centre is harmful and, due to the deliberate purpose of the centre, constitutes torture. Despite the negative national and international rhetoric gaining momentum, the Government seems unmoved and is, in fact, boastful of its successes through its offshore detention regime. When he spoke to the UN Assembly in New York in September Prime Minister Turnbull urged other countries to observe and follow Australia's example!¹⁸

Off shore processing and detention must end

Off shore detention is harmful and a cruel punishment of victims besides contravening international and local laws. Nauru and Manus Island, PNG detention centres should be closed and the transferees brought to Australia (or another similar country) for resettlement and rehabilitation.

Academics, educators, medicos, refugee agencies, churches and now the public all agree: the centres must close. The transferees should be resettled in Australia.

Australia can find a better way

The next step is incredibly complex and difficult. It will take time, consideration, ingenuity and patience. Australia can do that. We are a nation of innovators. We can be a nation of humanitarians. We are a multi-cultural society. We have the ability to shrug off our fears and lead our region toward a solution to a problem we are facing together. We are uniquely positioned to make a difference in this global humanitarian crisis and find a solution that will benefit the whole world.

¹⁵ Government of Canada, "#WelcomeRefugees: Canada resettles Syrian Refugees" Government of Canada Updated 21 June 2016 <http://www.cic.gc.ca/english/refugees/welcome/> accessed 26/9/16

¹⁶ Department of Immigration and Border Protection (DIBP), "*Australia's response to the Syrian and Iranian Humanitarian Crisis: Monthly Update*", 3 February 2017, DIBP <https://www.border.gov.au/Trav/Refu/response-syrian-humanitarian-crisis> accessed 27/2/17

¹⁷ Amnesty International, "*Island of Despair: Australia's 'Processing' of Refugees on Nauru*", Amnesty International, 17 October 2016 <https://www.amnesty.org/en/documents/asa12/4934/2016/en/> accessed 18/10/16

¹⁸ March, S and Anderson, S, "*UN refugee summit: Malcolm Turnbull and Peter Dutton tout Australia's immigration policy*" ABC News online 19/9/16 Updated 20 September 2016 <http://www.abc.net.au/news/2016-09-20/australia-urges-un-nations-to-adopt-its-border-control-policy/7860160> accessed 18/10/16

As the conversation continues...

The lead up to Christmas 2016

In October 2016, Prime Minister Turnbull and Immigration Minister Dutton, announced legislation to be tabled on 7 November 2016 that no one who came to Australia by boat after 19 July 2013 will ever be able to come to Australia on any type of visa – student, spouse, business, tourism or family reunion.

This announcement strengthened the Government's resolve against the transferees on Manus Island, PNG and Nauru. The community reacted by joining the *#Lovemakesaway* movement and other refugee advocates and contacting their local politician by phone to express their dismay at the proposed legislation. *GetUp* recommended contacting local Labor Senators asking them to oppose the legislation. There were peaceful street protests in Melbourne and Sydney over the weekend following the announcement that went largely unreported in the press. Further protests continued in Canberra.

The proposal was received positively by One Nation with Pauline Hanson tweeting: "Good to see that it looks like the government is now taking its cues from One Nation. Just like last time."¹⁹

It has been suggested that the proposed legislation is illegal and unconstitutional as well as contravening Article 31 of the *1951 Convention relating to the status of refugees*. The Government asserts that the proposed legislation is legal and comes on the eve of a resolution of third country resettlement for the transferees.

Detail, from the Government, was scant in the public domain. The opposition leader, Mr Bill Shorten, committed the Labor Party to opposing the legislation. The changes to the Migration Act passed in the lower house but were not tabled in the Senate before Parliament recessed for Christmas.

As 2016 drew to a close, announcements of 'deals' with the USA (announced Sunday 13 November 2016) to resettle some of the transferees from Manus Island, PNG and Nauru in America come with little detail and assurances. It is clear that not all of the people transferred to PNG and Nauru will be resettled under this deal. The deal is overshadowed by the election results in the USA.

The outcome of the election in USA has emboldened nationalistic individuals worldwide to advocate against generosity towards refugees anywhere. In Germany, where so many people have been welcomed, voices rise against supporting refugees and are holding up Australia's methods as the answer, sparking fear in the minds of refugees. As reported in the Sydney Morning Herald, Australia's message is heard loud and clear "All the people that try to go to Australia have to be on small islands... Unhuman things happen to these people." (Basel Mutlark, Syrian refugee in Germany) "They are terrified that an Australian-style immigration solution will permanently separate them from their loved ones planning to come to Germany, particularly those still trapped by war in Syria and Iraq."²⁰

If Australia's message to the world has been so clearly heard – what is the point of continuing the torture of the people transferred to PNG and Nauru?

Time will tell the end to this horror story. At the moment, hope is in short supply. It is clear that the cruel and torturous conditions for the transferees in limbo will continue for some time and the likely resolution, when it comes, will not be positive.

The situation post US election (December 2016 – February 2017)

For the men, women and children transferred to PNG and Nauru, nothing has changed. There was hope that the deal with the USA would mean an end to the dire conditions. However, the policies and attitude of President Trump and his administration make it unlikely.

¹⁹ Hanson, Pauline, Twitter post @PaulineHansonOz. 29 October 2016, 6:20 p.m.

<https://twitter.com/PaulineHansonOz/status/792536722907107329?lang=en> accessed 5 December 2016

²⁰ Bagshaw, Eryk, "Refugees brace against a bitter turn in the hearts that gave them a new home", The Sun Herald, Sydney, 4 December 2016 p 30-31

The systemic neglect of transferees, regardless of their refugee status, continues and was highlighted by the death in December of Faysal Ishak Ahmed, who had been in Manus since October 2013²¹. Ahmed had been unwell for some time and the eleventh-hour medivac to Brisbane following his collapse came too late. The same situation is playing out on Nauru with the refugee 'Yusuf' who was still waiting for the medivac promised in November 2016 for his heart condition.²²

The fate of a pregnant refugee in Nauru hung in the balance in January 2017. In a situation where Nauruans would be airlifted to Australia to avail themselves of health care, not available on Nauru, the refugee was initially refused medical evacuation by the Department of Immigration despite considerable medical advice to the contrary.²³ She was eventually brought to Australia on 3 February 2017.

In an atmosphere of continued Australian bipartisan hard line approach to the transferees on Manus Island, PNG and Nauru, their treatment has become world news. Australia was relying on President Trump and the USA to resettle the transferees. However, the Trump administration's 'extreme vetting' policy coupled with the travel ban on refugees and people from seven Muslim majority countries entering the USA has left serious doubt over the success of the 'deal'. While Prime Minister Turnbull has expressed confidence in President Trump's assurances, February brought the first concrete reaction by the Trump administration to the 'Refugee deal' in the form of a tweet:

*"Do you believe it? The Obama Administration agreed to take thousands of illegal immigrants from Australia. Why? I will study this dumb deal!"*²⁴

Pundits have varying opinions over whether the 'deal' will go ahead. It has been suggested that the USA could honour the agreement and not bring a single person from Nauru and Manus Island, PNG to USA.

The fate of the people transferred to Manus Island, PNG and Nauru remains uncertain. This is underlined by the report from the Australian Parliamentary Library on Coalition and Labor asylum policy since 2001²⁵. There is little difference between the parties. They are in unison on people seeking asylum and arriving by boat. The report references the Expert Panel on Asylum Seekers of 2012²⁶ and points out that the short-term deterrence proposals (in the form of off shore processing) are ongoing and the other short term incentives and long term

²¹ Slezak, Michael and Doherty, Ben, "Sudanese refugee dies in Brisbane hospital after medivac from Manus" The Guardian 24 December 2016 accessed 16.2.17

<https://www.theguardian.com/australia-news/2016/dec/24/sudanese-refugee-dies-in-brisbane-hospital-after-medivac-from-manus>

²² Davey, Melissa, "Nauru refugee says medical treatment withheld after he had heart attack" The Guardian 21 December 2016 accessed 16.2.17

<https://www.theguardian.com/australia-news/2016/dec/21/nauru-refugee-says-medical-treatment-withheld-after-he-had-heart-attack>

²³ Doherty, Ben, "Doctors plead for pregnant refugee on Nauru to be moved to Australian hospital" The Guardian 26 January 2017 accessed 16.2.17

<https://www.theguardian.com/world/2017/jan/26/doctors-plead-for-pregnant-refugee-on-nauru-to-be-moved-to-australian-hospital>

²⁴ Trump, Donald J (@realDonaldTrump) "Do you believe it? The Obama Administration agreed to take thousands of illegal immigrants from Australia. Why? I will study this dumb deal!" 2 February 2017, 14.55. Tweet

²⁵ Phillips Janet, "A comparison of Coalition and Labor government asylum policies in Australia since 2001" updated 2 February 2017, Parliamentary Library (Australia), accessed 14 February 2017

http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/AsylumPolicies

²⁶ Houston, Angus, Report of the expert panel on asylum seekers, Expert Panel on Asylum Seekers, Australian Government, 2012, viewed 16 February 2017, <http://apo.org.au/node/30608>

proposals have either not been pursued or have lost momentum and are yet to be implemented. The Expert Panel was clear on Australia's obligations where people seeking asylum is concerned. These obligations have not been met for the people transferred to Manus Island, PNG and Nauru.

While there is much work to be done but the first step is clear. Australia must take responsibility for the people who sought asylum in Australia and bring them to safety.

Where do we go from here?

What happens next?

There are a number of solutions proposed by different public interest groups. All start with closing the centres on Nauru and Manus Island, PNG. The #Safetyforall campaign is gaining momentum. Please refer to the section on “What action can I take?” for more information.

All agree that the solution to the problem is regional, not local.

All agree that the funds directed to maintaining the centres would be better spent in the region.

All agree that stopping people drowning at sea is a good thing but that locking up innocent people is no solution.

Some support continuing the boat turn back policy as an effective means of stopping boats from arriving in Australia. If Australians are happy for people seeking asylum in Australia to be returned to their home country and to jail, torture or worse, then this policy should continue.

Some suggest that a system of regional cooperation, akin to the process after the Vietnam War, would reduce the need for people to ever get on a boat. There is potential for temporary settlement closer to home that would form part of a pathway back to their home country once conflicts are resolved. It would assist with nation building.

Such a plan merely needs an architect. For that architect to be Australia there would need to be bipartisan agreement and a spirit of cooperation that would last many decades.

Such a plan could be funded with the monies currently spent on detaining people off shore.

It would start by creating a conversation that truly values human life and does not demonise the victim for political gain.

Such a plan would go a long way to regaining our reputation as an honest, law abiding, humane nation that is a good global citizen committed to a positive outcome for all.

At the Edmund Rice Centre, we believe that people can change their world. The situation for transferees on Manus Island, PNG and Nauru is a grave injustice that people (you and me) can change.

Facts checked, questions answered

Definitions

Who is an asylum seeker?

A person who leaves their own country to seek protection in another country is referred to as an ‘asylum seeker’. This person’s refugee status has not yet been assessed.

As stated in Article 14 of the Universal Declaration of Human Rights, “Everyone has the right to seek and to enjoy in other countries asylum from persecution.”²⁷

Who is a refugee?

A person who is recognised as a refugee under the UN *1951 Convention relating to the status of refugees* (The Refugee Convention). “Refugee” is defined by The Refugee Convention as a person:

“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”²⁸

Australia is a signatory to both the *Universal Declaration of Human Rights* and the *1951 Convention relating to the status of refugees* along with other conventions that form international human rights law. According to the Australian Human Rights Commission:

“Seeking asylum in Australia is not illegal. In fact, it is a basic human right. All people are entitled to protection of their human rights, including the right to seek asylum, regardless of how or where they arrive in Australia. Countries that have ratified the Convention Relating to the Status of Refugees 1951, such as Australia, are required to assess asylum seekers’ claims for protection from persecution. The Refugee Convention defines who is a refugee and sets out the basic rights that countries should guarantee to refugees.”²⁹

What is the difference between a refugee and a migrant?

The difference is a question of choice – a migrant chooses to leave their home country and may safely return at any time but a refugee has no choice and may not return safely. As the UNHCR explains:

“Refugees are forced to flee because of a threat of persecution and because they lack the protection of their own country. A migrant, in comparison, may leave his or her country for many reasons that are not related to persecution, such as for the purposes of employment, family reunification or study. A migrant continues to enjoy the protection of his or her own government, even when abroad.”³⁰

²⁷ United Nations, *Universal Declaration of Human Rights*, United Nations Geneva 10 December 1948 <http://www.un.org/en/universal-declaration-human-rights/> accessed 13 October 2016

²⁸ UNHCR, *Convention relating to the status of refugees*, UNHCR Geneva December 2010 <http://www.unhcr.org/3b66c2aa10> accessed 13 October 2016

²⁹ Australian Human Rights Commission (AHRC), *Face the facts: Asylum Seekers and Refugees 2014*, AHRC 2014, Sydney page 2 <https://www.humanrights.gov.au/sites/default/files/FTFAsylumRefugees.pdf> accessed 17/10/16

³⁰ UNHCR, “The 1951 Convention relating to the Status of refugees and its 1967 protocol”, UNHCR Geneva, September 2011, page 3 <http://www.unhcr.org/about-us/background/4ec262df9/1951-convention-relating-status-refugees-its-1967-protocol.html> accessed 13 October 2016

Who is an unlawful non-citizen? Does that description include people seeking asylum and refugees?

A person, who is not a citizen of Australia (a non-citizen), who enters or remains in Australia without a valid visa is an unlawful non-citizen.³¹

The description “unlawful non-citizen” does not apply to people seeking asylum or refugees.

People seeking asylum and refugees are lawful non-citizens as, under Article 14 of the *Universal Declaration of Human Rights*, they have the right to seek asylum from persecution and Article 31 of the *1951 Convention Relating to the Status of Refugees* that protects people seeking asylum from being persecuted for entering a country illegally due to their difficult circumstances.³²

What are the rights of a refugee?

The *1951 Convention Relating to the Status of Refugees* outlines the rights of people seeking asylum and refugees. As a signatory to the Convention, Australia committed to enshrine the principles into domestic law. Protection under the Convention is not extended to those who are a danger to the security of a nation or have been convicted of a serious crime and are considered a danger to the community.

There are a number of rights enunciated in the Convention the key elements of which, according to the UNHCR, are:

- The key principle of non-refoulement (Article 33) where a person cannot be returned to a place where there is a serious threat to his or her life or freedom because of his or her race, religion, nationality, beliefs or membership of a particular social group or holding a certain political opinion.
- “The right not to be expelled, except under certain, strictly defined conditions (Article 32)
- The right not to be punished for illegal entry into the territory of a contracting State (Article 31)
- The right to work (Articles 17 to 19)
- The right to housing (Article 21)
- The right to education (Article 22)
- The right to public relief and assistance (Article 23)
- The right to freedom of religion (Article 4)
- The right to access the courts (Article 16)
- The right to freedom of movement within the territory (Article 26)
- The right to be issued identity and travel documents (Articles 27 and 28)”³³

Australia does not perform well on many of these rights (the rights it committed to granting people seeking asylum) especially where the person arrives in Australia on a boat.

³¹ Philips, J and Spinks, H, “*Boat arrivals in Australia since 1976*”, Research Paper, Parliamentary Library, Canberra, Updated 23 July 2013 p. 28

http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/5P1X6/upload_binary/5P1X6.pdf;fileType=application/pdf#search=%22boat%20arrivals%20in%20Australia%20since%22 accessed 3/11/2016

³² UNHCR, “*The Convention and protocol relating to the Status of Refugees*” UNHCR Geneva 2016

<http://www.unhcr.org/3b66c2aa10> accessed 25 October 2016

³³ UNHCR, “*The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol*”, UNHCR, Geneva, September 2011 p.4 <http://www.unhcr.org/en-au/about-us/background/4ec262df9/1951-convention-relating-status-refugees-its-1967-protocol.html> accessed 17/10/2016

What is refoulement?

According to the UN, the core principle of the *1951 Convention Relating to the Status of Refugees* (enshrined in Article 33) is “non-refoulement, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom. This is now considered a rule of customary international law.”³⁴

Refoulement is returning a person seeking asylum or a refugee to danger. Returning a person to a place where the person faces a serious threat to his or her life or freedom because of his or her race, religion, nationality, beliefs or membership of a particular social group or holding a certain political opinion.

What is meant by ‘regional’ in ‘regional solution’?

A ‘regional’ solution is often recommended, but what region? What countries are included?

When suggesting a regional solution – Australia and its immediate, and particularly Asian, neighbours are included.

The World Bank’s “East Asia and the Pacific” Region includes the countries: American Samoa, Australia, Brunei Darussalam, Cambodia, China, Fiji, French Polynesia, Guam, Hong Kong SAR (China), Indonesia, Japan, Kiribati, Korea, Dem. People’s Rep., Korea, Rep., Lao PDR, Macao SAR (China), Malaysia, Marshall Islands, Federated States of Micronesia, Mongolia, Myanmar, Nauru, New Caledonia, New Zealand, Northern Mariana Islands, Palau, Papua New Guinea, Philippines, Samoa, Singapore, Solomon Islands, Thailand, Timor-Leste, Tonga, Tuvalu, Vanuatu and Vietnam.³⁵

Though its scope is beyond refugees and forced migration, the other source of member countries are those that are part of The Bali Process (The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime)³⁶, established in 2002, has 48 member countries and organisations including: Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, DPR Korea, Fiji, Hong Kong SAR, India, Indonesia, Iran, Iraq, Japan, Jordan, Kiribati, Lao PDR, Macau SAR, Malaysia, Maldives, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Palau, PNG, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Syria, Thailand, Timor-Leste, Tonga, Turkey, United States of America, Vanuatu, Viet Nam, UAE, International Organisation for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR) and United Nations Office on Drugs and Crime (UNODC).

Are people arriving by boat refugees or economic migrants?

Given that between July 2008 and July 2013 over 90% of people seeking asylum who arrived in Australia by boat were found to be refugees once their claim was assessed, it must be held that people who seek asylum and arrive by boat are refugees.³⁷

In awarding refugee status, Australia acknowledges that the person has fled their country, not by choice like a migrant, but because, as described in the United Nations *1951 Convention relating to the Status of Refugees*, they are

³⁴ UNHCR, “*The 1951 Refugee Convention*” UNHCR Geneva 2016 <http://www.unhcr.org/1951-refugee-convention.html> accessed 13 October 2016

³⁵ The World Bank, “*East Asia and Pacific*” 2016 <http://data.worldbank.org/region/east-asia-and-pacific> accessed 31 October 2016

³⁶ The Bali Process Membership (Website) <http://www.baliprocess.net/membership/> accessed 16 February 2017

³⁷ Protection, Monitoring and Analysis Section, DIBP, “*Asylum Trends Australia 2012-2013 Annual Publication*”, DIBP 2013, Commonwealth of Australia, Belconnen, ACT, p.30
<http://www.border.gov.au/ReportsandPublications/Documents/statistics/asylum-trends-aus-2012-13.pdf> accessed 26/9/16

unable to reside in their home country “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”.³⁸

Of the people who sought asylum in Australia and arrived by plane, in the same period (July 2008 to July 2013) about 45% were found to be refugees.³⁹ This is an interesting statistic given Australia has such harsh policies in relation to the people who arrive by boat, over 90% of whom are refugees.

More information about asylum seekers and refugees plus answers to common questions on the subject can be found in the fact sheets available from The Refugee Council of Australia, The Kaldor Centre for International Refugee Law at UNSW and the Commonwealth of Australia Parliamentary Library using the links below:

- Refugee Council of Australia:
<http://www.refugeecouncil.org.au/get-facts/>
- The Kaldor Centre for International Refugee Law
<http://www.kaldorcentre.unsw.edu.au/publication/debunking-myths>
- Commonwealth of Australia Parliamentary Library:
http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/AsylumFacts

About immigration detention

What is immigration detention?

Immigration detention is where a person is detained because he or she is found to be an “unlawful non-citizen” (a national from another country without a valid visa) in Australia's migration zone.⁴⁰ People are detained unless they are eligible for and can be granted a bridging visa until their status is resolved. Since 1992 in Australia, this form of detention has been mandatory. Mandatory detention originally had a limit of 273 days but the limit was removed in 1994, making the mandatory, immigration detention indefinite.⁴¹

What does the United Nations (UN) say about immigration detention?

At the forefront of the message regarding immigration detention, from the United Nations High Commissioner for Refugees (UNHCR), is that the right of an individual to seek asylum must be respected and protected. Under Article 14 of the *Universal Declaration of Human Rights* “Everyone has the right to seek and to enjoy in other countries asylum from persecution”.⁴²

The United Nations representative for refugees, the UNHCR, recommends that people seeking asylum are not detained and alternatives to monitoring the people seeking asylum are used.

Where immigration detention is used, the UNHCR offers 10 guidelines as follows:

³⁸ United Nations High Commissioner for Refugees (UNHCR), “*Convention and Protocol relating to the Status of Refugees*” UNHCR Geneva 1967 <http://www.unhcr.org/3b66c2aa10> accessed 26/9/16

³⁹ Opcit DIBP p.19

⁴⁰ Phillips, Janet, “*Immigration Detention in Australia*”, Background note, Department of the Parliamentary Library, Updated 20 March 2013, p.1
http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/Detention accessed 12/9/16

⁴¹ Ibid p.6

⁴² United Nations (UN), *Universal Declaration of Human Rights*, 10 December 1948, available at: <http://www.un.org/en/universal-declaration-human-rights/> (accessed 5 September 2016)

1. The right to seek asylum must be respected.
2. The rights to liberty and security of person and to freedom of movement apply to asylum-seekers.
3. Detention must be in accordance with and authorised by law.
4. Detention must not be arbitrary, and any decision to detain must be based on an assessment of the individual's particular circumstances, according to the following:
 - 4.1 Detention is an exceptional measure and can only be justified for a legitimate purpose.
 - 4.2 Detention can only be resorted to when it is determined to be necessary, reasonable in all the circumstances and proportionate to a legitimate purpose.
 - 4.3 Alternatives to detention need to be considered.
5. Detention must not be discriminatory.
6. Indefinite detention is arbitrary and maximum limits on detention should be established in law.
7. Decisions to detain or to extend detention must be subject to minimum procedural safeguards.
8. Conditions of detention must be humane and dignified.
9. The special circumstances and needs of particular asylum-seekers must be taken into account.
10. Detention should be subject to independent monitoring and inspection.⁴³

In a submission to the Parliament of the United Kingdom, UNHCR summarised its position on immigration detention as follows:

“In summary, UNHCR’s position is that the detention of asylum-seekers should normally be avoided and be a measure of last resort. According to international law, the detention of asylum-seekers is justified only as far as it is determined to be necessary and proportionate for the pursuit of a legitimate purpose in each individual case. While liberty must always be considered, alternatives to detention are part of the necessity and proportionality assessment of the lawfulness of detention. Appropriate screening/detention review mechanisms need to be in place. The detention of asylum-seekers should be regulated by law, carefully circumscribed, and subject to prompt and periodic review.”⁴⁴

Without question, any period of detention should be predetermined in length and prescribed by law. Arbitrary, indefinite detention should never be imposed.

How does Australia perform based on the United Nations recommendations?

Australia does not perform very well in relation to the UN recommendations. The recommendations hinge on the idea that a person has the right to seek asylum regardless of how they arrive in a country. Australia discriminates based on a person's method of travel, it subjects some people seeking asylum to mandatory detention which is indefinite and, due to the arbitrary, indefinite nature of the detention, the detention is neither humane nor dignified. Also, in some cases Australia abdicates its responsibility to those seeking asylum at its shores to other nations. These are nations that are ill equipped to manage the task Australia has passed to them.

What are the alternatives to immigration detention?

To immigration detention, there are many alternatives according to the UNHCR. These include:

- surrendering of identification documents to authorities,
- mandatory reporting by seekers of asylum to local authorities,
- directed residence (residing at an agreed address without permission to move until refugee status is established), residing in open facilities where person is free to move into community during the day and a curfew is imposed,

⁴³ UN High Commissioner for Refugees (UNHCR), *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available at:

<http://www.refworld.org/docid/503489533b8.html> [accessed 5 September 2016] p. 11

⁴⁴ UN High Commissioner for Refugees (UNHCR), *United Nations High Commissioner for Refugees (UNHCR) Inquiry into the use of Immigration Detention Written evidence to the Parliamentary Joint Committee*, 1 October 2014, available at: <http://www.refworld.org/docid/54f590ab4.html> [accessed 5 September 2016] p2-3

- person provides a guarantor who will assume responsibility for making sure the seeker of asylum attends meetings and/or hearings and abides by regulations until refugee status is determined,
- release on bail or bond, and
- community release and supervision.⁴⁵

Is immigration detention legal?

It is legislated under Australian law that there is mandatory detention of unlawful non-citizens, unless they can apply for a bridging visa, until their situation is resolved. This avenue is not available to people who are seeking asylum and arrive by boat.

According to the Kaldor Centre for International Refugee Law at the University of New South Wales, Australia's mandatory detention regime is not consistent with international refugee law.⁴⁶ The full text of this explanation can be found at: <http://www.kaldorcentre.unsw.edu.au/publication/immigration-detention#alternatives>

What do other countries do?

It is important to note that “Australia is still the only country where immigration detention is mandatory for all unlawful non-citizens (including asylum seekers).”⁴⁷ While other countries have some detention regimes, in practice they are typically of short duration for the purposes of identity and health checks.

No two countries respond to people seeking asylum in the same way. This is principally due to the differing circumstances of each nation on issues such as accessibility by land and/or sea, broader immigration policies and outcomes, population, number of people seeking asylum and so on.

Most countries have some sort of immigration detention regime. The UNHCR recommends all countries find alternatives to detention and is in the process of promoting its *Global Strategy – Beyond Detention 2014-2019* a project to end detention of seekers of asylum and refugees. So far, the strategy has been rolled out in 12 focus countries with three main aims:

1. “to end detention of children
2. to ensure that alternatives to detention are available in law and implemented in practice
3. to ensure that conditions of detention, where detention is necessary and unavoidable, meet international standards by, inter alia, securing access to places of immigration detention for UNHCR and/or its partners and carrying out regular monitoring.”⁴⁸

⁴⁵ UN High Commissioner for Refugees (UNHCR), *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available at: <http://www.refworld.org/docid/503489533b8.html> [accessed 5 September 2016] p. 41-44

⁴⁶ Kaldor Centre for International Refugee Law, *Immigration Detention*, 7 October 2015, <http://www.kaldorcentre.unsw.edu.au/publication/immigration-detention#alternatives> accessed 5 September 2016

⁴⁷ Phillips, Janet and Spinks, Harriet, *Immigration Detention in Australia*, 20 March 2013, Background Note, Department of Parliamentary Library, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/Detention#_ftn5 accessed 5 September 2016

⁴⁸ United Nations High Commissioner for Refugees (UNHCR), “*Progress Report mid-2016 Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seekers and refugees – 2014-2019*” August 2016 UNHCR <http://www.unhcr.org/protection/detention/57b579e47/unhcr-global-strategy-beyond-detention-progress-report.html> p.6 Accessed 13 September 2016

About offshore processing

What is offshore processing?

Offshore processing or detention is immigration detention where people seeking to claim asylum in Australia and arrive by boat are transferred to and held in processing centres in another country. The processing centres are staffed and paid for by the Australian Government.⁴⁹

Why was offshore processing first established in 2001?

In response to the “controversial *Tampa* incident”⁵⁰ that began on 24 August 2001, the 433 asylum seekers from that incident plus some more, later boat arrivals were transferred to Nauru for processing. These arrangements were formalised with an Administrative Agreement on 19 September 2001 which was superseded by a Memorandum of Understanding (MOU) signed on 11 December 2001 whereby people seeking asylum in Australia and arriving by boat would have their applications processed by Australia, while being housed in Nauru.⁵¹ On 11 October 2001, Australia also signed an MOU with Papua New Guinea (PNG), allowing for people seeking asylum to be housed and have their claim assessed on Manus Island, PNG.⁵²

This became the cornerstone of the Howard Government’s ‘Pacific Solution’. These events played out in an atmosphere of worldwide shock at the terrorist attack in New York and Washington on 11 September 2001. People were frightened and an unpopular Liberal Government was returned with a majority on 10 November 2001, largely attributed to John Howard’s tough response to the “*Tampa* crisis” on the eve of the 9/11 attacks in New York and Washington⁵³.

Offshore processing was employed as a deterrent with the Government remaining “determined to deliver the message that illegal boat arrivals are not welcome in Australia”⁵⁴.

The Manus Island, PNG detention centre ceased operation in September 2003 and the remaining three people were resettled in Australia (2) and removed to Nauru via the Baxter Detention Centre (1)⁵⁵. The Nauru centre was closed in 2008 because boat arrivals slowed to almost none and living conditions in the centre were untenable. The transferees were resettled in Australia. When the centres were dismantled, “1637 people had been detained in the Nauru and Manus facilities between 2001 and 2008.”⁵⁶

⁴⁹ Karlsen, Elibritt, “*Australia’s offshore processing of asylum seekers in Nauru and PNG: A Quick Guide to statistics and resources*”, Quick Guide, Research Paper, Department of Parliamentary Library, 30 June 2016, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/Quick_Guides/Offshore accessed 12 September 2016

⁵⁰ Phillips, J and Millbank, A, “*Protecting Australia’s Borders*” Research note no. 22, Department of the Parliamentary Library, 24 November 2003 <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;orderBy=date-eFirst;page=0;query=protecting%20Australia's%20borders%20Decade%3A%222000s%22%20Year%3A%222003%22;rec=11;resCount=Default> accessed 29/8/16

⁵¹ *ibid*

⁵² *ibid*

⁵³ National Museum of Australia, “*Tampa Affair*” http://www.nma.gov.au/online_features/defining_moments/featured/tampa_affair accessed 31 October 2016

⁵⁴ Opcit Phillips and Millbank 2003

⁵⁵ Phillips, Janet, “*The ‘Pacific Solution’ revisited: a statistical guide to the asylum seeker caseloads on Nauru and Manus Island*” Background Note, Department of the Parliamentary Library, 4 September 2012 http://www.aph.gov.au/about_parliament/parliamentary_departments/parliamentary_library/pubs/bn/2012-2013/pacificsolution p 13 accessed 29/8/16

⁵⁶ *Ibid* p.3

It is important to note that the resettling of transferees from Manus Island, PNG and Nauru in Australia in 2007/8 did not prompt new boat arrivals and that numbers of boat arrivals did not raise significantly until 2010.

Why were offshore processing centres on Manus Island, PNG and Nauru reopened in 2012?

World events conspired to create a bigger group of people fleeing conflicts and, therefore, seeking asylum. Some people made their way to Australia. Some came by boat.

Increased fighting in Afghanistan, Iraq, Iran and Sri Lanka caused a new wave of people seeking asylum in 2009-10 by boat. Numbers had dwindled by 2004-05 but started to rise again⁵⁷. Australia and Australians appear to be particularly uncomfortable with people seeking asylum and arriving by boat. While the numbers of people who do this appear to be considerable, in 2010-2011, for example, the majority of applications for asylum came from people who arrived by plane (6316), not those who came by boat (5175).⁵⁸

When the idea of offshore processing was revisited, the then Gillard Government was fully aware of the detrimental impact offshore processing had held earlier and that the expert panel listing it as one option was suggesting a short-term circuit breaker to a 'crisis'. Retaining transferees in offshore processing centres for long periods was not the intent and the Government, on both sides, was fully cognisant of the dangers as outlined in the Parliamentary Library's Background Note of 4 September 2012.⁵⁹

From 2010, as a result of increasing unrest and crowding in onshore detention facilities, the then Gillard Government began to explore options for reintroducing offshore processing in Timor Leste, Malaysia and other places within the region.⁶⁰ In an atmosphere of constant political pressure and an increase in the very visible boat arrivals, a Joint Select Committee into Australia's Immigration Detention Network was established in April 2012. The Expert Panel released its report on 13 August 2012 providing 31 recommendations the focus of which was that the Government adhere to its commitment of only detaining asylum seekers as a last resort and that all reasonable steps be taken to limit detention to a maximum of 90 days.⁶¹

One of the recommendations was a short-term solution of re-establishing processing centres in Nauru and on Manus Island, PNG where transferees would have their claim assessed by Nauru or PNG and then, if the claim proved valid, would be eligible for resettlement in Australia or another country.⁶²

Which country is best equipped to accommodate refugees – Australia, Nauru or PNG?

Australia is well positioned to accept and accommodate refugees from the processing centres in Nauru and on Manus Island, PNG. However, accommodating such a large number of people in either Nauru or PNG presents insurmountable challenges.

⁵⁷ Phillips, Janet, "*Asylum seekers and refugees: what are the facts?*" Research Paper, Department of the Parliamentary Library, 2 March 2015 p. 7
http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/AsylumFacts accessed 7 November 2016

⁵⁸ Australian Human Rights Commission (AHRC), "*2012 Face the fact – Chapter 3*", AHRC 2012, Sydney
<http://www.humanrights.gov.au/publications/face-facts-2012/2012-face-facts-chapter-3#fn237> accessed 17/10/2016

⁵⁹ Opcit, Phillips (2012) p. 9

⁶⁰ Phillips, Janet and Spinks, Harriet, *Immigration Detention in Australia*, 20 March 2013, Background Note, Department of Parliamentary Library, p15-16
http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/Detention#_ftn5 accessed 5 September 2016

⁶¹ Ibid p18-19

⁶² Ibid p.19

Australia is far larger and more prosperous than both Nauru and PNG in every sense including land size, population, wealth, health, education and infrastructure. This would indicate significant challenges for both Nauru and PNG in accommodating such large numbers of people into their populations, whether permanently or temporarily. The same could not be said for Australia.

Table 1: Country comparison – who is better equipped to accommodate refugees?

Indicator	Australia	Nauru	PNG
Population 2016 (est)	24 309 000	10 000	7 776 000
Surface Area (in square kilometres)	7 692 060	21	462 840
Population Density (per square Km)	3.2	513.2	17.2
Currency	AUD	AUD	Kina (PGK)
Gross Domestic Product (in million USD)	1 471 439	182	16 572
Gross Domestic Product per capita (USD)	62 290.10	17 856.80	2 220.90
Unemployment (% of labour force)	6.1	23.0	3.3
Fertility rate (live births per woman)	1.9	4.3	3.8
Life expectancy at birth (females/males, years)	84.3 / 79.9	63.2 / 57.5	64.5 / 60.3
Total dependency ratio (Population aged 0-14 and 65+ per 100 population aged 15-65)	51	73	67
Infant mortality rate (per 1,000 live births)	4	33	48
Health: Total expenditure (% of GDP)	9.4	3.3	4.3
Education: Primary gross enrolment ratio (female/male per 100 population)	106.2 / 106.9	100.4 / 109.5	109.3 / 119.8
Education: Secondary gross enrolment ratio (female/male per 100 population)	133.7 / 141.2	83.4 / 81.9	34.6 / 45.8
Population using improved drinking water sources (urban/rural, %)	100.0 / 100.0	96.5 / -	88.0 / 32.8
Population using improved sanitation facilities (urban/rural, %)	100.0 / 100.0	65.6 / -	56.4 / 13.3

Health and life expectancy

Australians, on average, can expect to live about 20 years longer than people living in either Nauru or PNG. Australia spends more money (a larger percentage of a larger amount) on health and this is made obvious in the extended life expectancy and the lower infant mortality rates.

Education

The education ratio describes the number of enrolments in a given level of education compared to the eligible population for that level of education. Therefore, where there is universal education for the school-age population, the ratio will be expressed as more than 100.

In Australia, that is true for both primary and secondary education: all the school-age people are at school and there are others also engaged in both primary and secondary education.

In both Nauru and Papua New Guinea there appears to be universal primary education. However, this is not the case for secondary education. The statistics indicate that people living in Nauru and PNG cannot expect a secondary education in the way people living in Australia can.

Infrastructure

While 100% of Australians have access to safe drinking water and a hygienic toilet system (basic sanitation), in Nauru 3.5% of people have no access to safe drinking water and 34.4% have no access to basic sanitation. In PNG, the picture is worse with 12% of people in urban settings and 67.2 percent in rural settings having no access to safe drinking water. In an urban setting in PNG 43.6% do not have access to basic sanitation and 86.7% of rural dwellers do not have access to basic sanitation. Nations where safe drinking water and basic sanitation are not available for citizens are not places equipped to resettle people who have applied to Australia for asylum.

Source: United Nations Department of Economic and Social Affairs
World Statistics Pocketbook, 2016 Edition
United Nations, New York, 2016
<http://unstats.un.org/unsd/publications/pocketbook>

What is Australia's border protection budget?

The total 2016-17 budget for the Department of Immigration and Border Protection for Border Enforcement (including offshore processing) is \$3.96 billion (total DIBP budget is \$4.95 billion)⁶³.

Not included in these figures is the cost of the military and naval missions focussed on boat turn backs.

What does offshore detention cost?

According to the Budget Papers from DIBP, "IMA Offshore Management" cost \$1.078 billion (defined as one thousand million or 10⁹) in 2015-16 and will cost \$880 million in 2016-17.⁶⁴

Given that there are currently about 1,300 people on Manus Island, PNG and Nauru, in 2015-16 it cost about \$829,000 per person in 2015-16 to "process" the people.

What does onshore detention cost?

Expenditure for "Onshore Compliance and Detention" in 2015-16 was \$1.711 billion and the budget for 2016-17 is \$1.690 billion.⁶⁵ Detail regarding exactly what the cost of detention facilities for people seeking asylum and refugees is unclear. As at 31 August 2016, there were 1602 people in immigration detention in Australia.⁶⁶ That figure includes people other than those seeking asylum such as visa over-stayers awaiting deportation.

⁶³ Refugee Council of Australia (RCOA), "2016-17 Federal Budget: what it means for refugees and people seeking humanitarian protection", RCOA Sydney 2016 <http://www.refugeecouncil.org.au/wp-content/uploads/2014/08/2016-17-Budget-summary.pdf> accessed 18/10/16

⁶⁴ Department of Immigration and Border Protection (DIBP), "*Portfolio Budget Statements 2016-17 Budget Related Paper No. 1.11: Immigration and Border Protection Portfolio*" Commonwealth of Australia 2016 p.27 <http://www.border.gov.au/ReportsandPublications/Documents/budget/2016-17-pbs-full.pdf> accessed 24/10/2016

⁶⁵ Ibid p.26

⁶⁶ Department of Immigration and Border Protection (DIBP), "Immigration Detention and Community Statistics Summary", 31 August 2016, Australian Border Force, DIBP, Canberra ACT <https://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-31-aug-2016.pdf> accessed 1 November 2016

What does onshore processing/settlement services in the community cost?

The expenditure for settlement services in 2015-16 was \$142 million and the budget for 2016-17 is \$264 million (thought to be increased to manage the larger intake from the Syrian crisis)⁶⁷. In 2015-16 Australia granted 13,764 refugee and humanitarian places.⁶⁸ On those figures, the cost of settling a refugee in Australia is about \$10,300 per person. That is significantly different to the cost of detention on or off shore.

The Refugee Council of Australia explains the detail of Australia's immigration expenditure each fiscal year. This explanation can be accessed via the RCOA website at:

<http://www.refugeecouncil.org.au/our-work/publications/federal-budget-summaries/>

About people seeking asylum in Australia

Is arriving by boat illegal?

Arriving in Australia by any means is legal. It is legal to arrive by sea or air.

Where a person might be deemed illegal is when he or she arrives without proper identification (in the form of a current passport) which contains a visa, depending on Australia's agreement with the home country.

There is one circumstance where arriving in a country without the required documentation is legal, that is where the person is deemed to be a refugee.

Is it legal to apply for asylum?

Yes.

The Universal Declaration of Human Rights (UDHR) enshrines, in Article 14, the right of every human being to seek asylum and the protection of another nation⁶⁹. Australia, as an author and signatory to the UDHR, has committed to encapsulate it in domestic law and abide by the UDHR.

According to the Australian Parliamentary Library: "There is no offence under Australian law that criminalises the act of arriving in Australia or the seeking of asylum without a valid visa."⁷⁰

For more information about people seeking asylum and refugees, refer to the Australian Parliamentary Library Research Paper by Janet Phillips from the Social Policy Section:

"*Asylum Seekers and refugees: what are the facts?*" dated 2 March 2015 and accessed via the link:

http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/AsylumFacts

⁶⁷ Department of Social Services (DSS), *Portfolio Budget Statements 2016-17 Budget Related Paper No. 1.15a: Social Services Portfolio* Commonwealth of Australia 2016 p.64 <https://www.dss.gov.au/about-the-department/publications-articles/corporate-publications/budget-and-additional-estimates-statements/budget-2016/portfolio-budget-statements-2016-17-budget-related-paper-no-115a> accessed 7 November 2016

⁶⁸ DIBP "*Annual Report 2015-16: Part 3 Annual Performance Statements*" Commonwealth of Australia, Canberra, ACT 2016, p 72 <https://www.border.gov.au/ReportsandPublications/Documents/annual-reports/part-3-2015-16.pdf> accessed 7 November 2016

⁶⁹ United Nations (UN), *Universal Declaration of Human Rights*, 10 December 1948, available at: <http://www.un.org/en/universal-declaration-human-rights/> (accessed 5 September 2016)

⁷⁰ Phillips, Janet, "*Asylum seekers and refugees: what are the facts?*" Research Paper, Department of the Parliamentary Library, 2 March 2015 p. 4 http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/AsylumFacts accessed 7 November 2016

About transferees on Manus Island, PNG

How many people are detained on Manus Island, PNG?

As of 30 June 2016, there were 854 people detained in the regional processing centre in Manus Province, Papua New Guinea.⁷¹ That is 11 more than were there at last reported in June 2015.

Who are they?

The 854 people are all men.

The majority of transferees are from Iran (over 500). Others are from Afghanistan, Iraq, Pakistan, Bangladesh, Burma, India, Nepal, Somalia, Lebanon, Burma, Sri Lanka and some are stateless.⁷²

Has their refugee status been assessed? What was the outcome?

“As at 31 May 2016, of the 551 transferees who have had their claims for asylum assessed by the PNG Government, 541(98%) had been found to be refugees.”⁷³

Why is Manus Island or the rest of PNG not a viable place for resettlement?

There are a number of issues with imposing a large group of men of varying ages from varying ethnic backgrounds on communities in PNG.

Besides the fact that the processing centre was found to be illegal by the PNG Supreme Court and had to be hastily ‘opened’ with little planning and infrastructure, there are the economic, political and social issues within the country that make it an unwise resting place for traumatised people seeking asylum.

Rather than delving into each of the many reasons why Manus Island, or anywhere else in PNG is not a viable location for resettlement of people who came to Australia seeking protection, perhaps the travel advice for Australians issued by the Department of Foreign Affairs and Trade should be the guide.

In general, the advice is:

“Papua New Guinea overall, exercise a high degree of caution.”⁷⁴

The latest warning states:

“Latest advice, 24 August 2016

There is a high level of crime in Port Moresby, including armed robberies, carjackings and burglaries, often in locations frequented by Westerners (see Crime). We continue to advise Australians to exercise a high degree of caution in PNG. Higher levels apply in some parts of the country.”⁷⁵

⁷¹ Australian Border Force (ABF), “*Immigration Detention and Community Statistics Summary 30 June 2016*”, Department of Immigration and Border Protection, 2016 p. 4

<http://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-30-june-2016.pdf> page 4 viewed 22/8/16

⁷² Karlsen, Elibritt, “*Australia’s offshore processing of asylum seekers in Nauru and PNG: A Quick Guide to statistics and resources*”, Quick Guide, Research Paper, Department of Parliamentary Library, 30 June 2016, p. 5

http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/Quick_Guides/Offshore accessed 12 September 2016

⁷³ Ibid p.10

⁷⁴ Smart Traveller, “Papua New Guinea”, Department of Foreign Affairs and Trade, Updated 24 August 2016 http://smartraveller.gov.au/Countries/pacific/Pages/papua_new_guinea.aspx accessed 7 November 2016

⁷⁵ ibid

Advice specifically about Lae where the first group of resettled refugees have been sent includes:

“Crime rates are high, particularly in the capital Port Moresby, Lae, Mt Hagen, and other parts of the Highland provinces. The violent attack on a trekking party in September 2013 demonstrates that serious crimes can occur in any part of the country. See Crime.

Car-jacking is an ever-present threat, particularly in Port Moresby and Lae. Car doors should be locked with windows up at all times and caution should be taken when travelling after dark. In the evening or at night, we recommend you travel in a convoy.”⁷⁶

In relation to the personal safety of the men transferred to Manus Island, PNG there are other issues such as the illegality of homosexuality in PNG, the high level of crime, the danger of being outside at night, the existence of ethnic and clan clashes and violence, and health risks in the country⁷⁷. The list of dangers to people, especially foreigners, in PNG is long and listed clearly on the Department of Foreign Affairs and Trade website.

It is not a safe place for foreigners. It is not a safe place for refugees.

About Nauru

How many people are detained on Nauru?

As of 30 June 2016, there were 442 people detained in the regional processing centre in Nauru.⁷⁸

Who are they?

There are 338 men, 55 women and 49 children.⁷⁹

The majority of transferees are from Iran (over 150). The others are from Sri Lanka, Pakistan, Bangladesh, Afghanistan, Iraq Burma, India, Nepal, Somalia and Lebanon among others. Some people are stateless.⁸⁰

Has their refugee status been assessed? What was the outcome?

“As at 31 May 2016, of the 1,194 transferees who have had their claims for asylum assessed by the Nauruan Government, 915 (77%) had been found to be refugees.”⁸¹

Why is Nauru not a viable place for resettlement?

With a population estimated at 10,200 in 2015, Nauru has a total land size of 21 square kilometres making it one of the smallest (240/257) countries in the world.⁸²

Given the land size of the country and the nation’s economic situation and lack of industry, it seems unreasonable to expect Nauru to accommodate the transferees from the processing centre into their society.

⁷⁶ Ibid

⁷⁷ Ibid

⁷⁸ Australian Border Force (ABF), *“Immigration Detention and Community Statistics Summary 30 June 2016”*, Department of Immigration and Border Protection, 2016 p. 4
<http://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-30-june-2016.pdf> page 4 viewed 22/8/16

⁷⁹ Ibid p4

⁸⁰ Op cit Karlsen p.5

⁸¹ Ibid p.10

⁸² Department of Economic and Social Affairs, *World Statistics Pocketbook*, 2016 Edition Series V, No.40 United Nations, New York, 2016 <http://unstats.un.org/unsd/publications/pocketbook/files/world-stats-pocketbook-2016.pdf> accessed 20/9/16

There is no industry, land or opportunity for the transferees to build a life on the island. It is also questionable whether the island nation can support a population increase of over 4% with such limited land and resources.

In addition to these issues, the Government of Nauru has issues with procedural fairness and competence in the police force, for example. It is understandable that Nauru, with its total population of 10,200, struggles to find a complete and competent group of people to service any industry or need. These realities make it an unsafe place for any foreigner to live in, especially a traumatised and frightened refugee.

What action can I take?

Join call for immediate action on offshore detention #Safetyforall

On 3 February 2017, the Refugee Council of Australia, in conjunction with over 70 organisations and community groups around Australia, called for Prime Minister Malcolm Turnbull and Opposition Leader Bill Shorten to work together to “bring these people to Australia”.

The full text of the call can be found on the Refugee Council of Australia’s website:

<http://www.refugeecouncil.org.au/media/open-statement-calling-immediate-action-offshore-detention/>

Sign the #Safetyforall petition as an individual here:

<http://www.refugeecouncil.org.au/safetyforall>

Add the name of your organisation to the list here:

https://docs.google.com/forms/d/e/1FAIpQLSf_DLZP26g2q0BOeHURxohZsbVChC3nMUJ0AhXNaPk4vYszoQ/viewform?c=0&w=1

Sign the #Bringthemhere petition

A number of organisations are promoting petitions with the aim of influencing the Government to bring the transferees from Manus Island, PNG and Nauru to Australia for processing and resettlement.

A petition is being compiled by the organisations listed below. The link to their websites is included should you wish to sign the petition.

Refugee Council of Australia

Yes, I call on the Australian Government to immediately bring these children women and men we have sent to Nauru to safety in Australia and I urge the government to conduct an independent judicial inquiry into each incident to ensure justice is served to all who have suffered in our name #Bringthemhere

<http://www.refugeecouncil.org.au/bringthemhere/>

Asylum Seeker Resource Centre

#Letthemstay showed that more people than ever supported allowing people seeking asylum already in Australia to move into our communities. Now, we must prove definitively that our shared compassion extends to those on Manus Island, PNG and Nauru – and that the government must follow the public, and bring those in its abusive centres to safety in Australia.

Take action. Sign our petition calling on our government to #Bringthemhere.

<https://www.asrc.org.au/centreaigns/bringthemhere/>

Get up

BRING THEM HERE

To the Prime Minister and Immigration Minister,

Mounting evidence – from doctors, lawyers, and the Supreme Court of Papua New Guinea – has shown your policy of mandatory offshore detention is immoral, abusive and illegal.

It has never been clearer that the centres on Manus Island and Nauru must be closed, and the people who have suffered in them be treated with compassion and dignity.

Please take this opportunity to do the right thing by those the Australian government has imprisoned for years, and allow them to

start rebuilding their lives in safety, in our communities.

Bring them here.

<https://www.getup.org.au/centraigns/refugees/bring-them-here/petition-bring-them-here>

Write to or ring your local member/Senator

Writing letters to your local representative has an impact on policy formation and, as a consequence, how governments enact their policy.

For ideas on how to write an effective letter and contact details for your local member, refer to the Refugee Council of Australia website at:

<http://www.refugeecouncil.org.au/take-action/contacting-politicians/>

#LoveMakesAWay suggested people phoned the offices of Opposition Leader, Bill Shorten and Prime Minister Malcolm Turnbull in response to the proposed legislation to ban for life from Australia people who sought asylum and arrived by boat after 19 July 2013.

Politicians (Senators and Members of Parliament) can be contacted via the Parliamentary website at:

http://www.aph.gov.au/Senators_and_Members

GetUp suggested people write to Labor senators in order to request that they block the Government's proposed legislation to ban for life from Australia people who sought asylum and arrived by boat after 19 July 2013. Any Senator or Member of Parliament may be contacted via the link above. The link also provides information on how to address Senators and Members.

Join #LoveMakesAWay movement

#LoveMakesAWay is...

...a movement of Christians seeking an end to Australia's inhumane asylum seeker policies through prayer and nonviolent love in action."

<http://lovemakesaway.org.au/who-we-are/>

The movement encourages people as individuals and groups to take action as follows:

“TAKE ACTION

- 1. Make a paper doll** (link to instructions below) and write on it whatever makes it meaningful for you. You might like to write:
 - Your own prayer
 - The details of one person's case that is detailed in [the Nauru Files](#)
 - The hashtag #Bringthemhere
- 2. Stick your paper doll somewhere** where others can see it. Perhaps:
 - In your home's front window
 - In your car window
 - In your workplace
 - At your local MP's office

3. **Post a photo** of your paper doll on social media with the hashtags #BringThemHere & #LoveMakesAWay.
4. **PRAY. PRAY. PRAY.**⁸³

Link to the paper doll template can also be found on the #Lovemakesaway website at:
<http://lovemakesaway.org.au/wp-content/uploads/2016/08/A3-Human-Cutout.pdf>

Please note the #LoveMakesAWay movement encourages all to use their paper doll idea as a visual expression of support for people incarcerated on Nauru and Manus Island, PNG.

Prayer resources can be accessed via the #LoveMakesaWay website at:
<http://lovemakesaway.org.au/2016/08/24/take-action-on-naurufiles/>

Pray

There are options for groups and individuals to use their own prayers or access the resources and prayers offered by a variety of Christian Churches in Australia to help people pray for refugees and seekers of asylum.

http://www.commongrace.org.au/prayer_for_refugees_this_sunday?utm_source=nationbuilder&utm_medium=email&utm_content=naurufilereprayer&utm_centreign=naurufiles

Share your knowledge by word of mouth or via social media

When sharing pages, stories or images with your friends online, include the tags #Safetyforall, #BringThemHere or #Naurufiles to link them together

Ideas for schools

Schools can access and use the ideas outlined above. For example, there could be a paper doll for each person detained on Nauru and Manus Island, PNG ‘planted’ on the front lawn of your school using the “#LoveMakesAWay doll template and prayer resources.

Get involved with the “Free the children Nauru” movement focussing on care and support for the children detained on Nauru.

<https://freethechildrenauru.com/>

Prayers could be included in school liturgies.

There are more resources for schools exploring the issue of refugees and seekers of asylum as follows:

- Asylum Seekers and Refugees Education Resource from Edmund Rice Centre available for download at:
http://www.erc.org.au/refugee_education_resource
- Catholic Alliance for People Seeking Asylum have a number of resources available for schools and groups that can be accessed at:
<http://capsa.org.au/resources/>
- <http://capsa.org.au/>
- Access to resources for students from the Jesuit Refugee Service at:
<http://www.jrs.org.au/get-involved/resources/#tabgarb=tab2>

⁸³ "Take Action on #Naurufiles." *Love Makes a Way*. N.p., 24/8/16. Web. 5 Sept. 2016.

Resources

Australian Human Rights Commission

This is a Government body led by the Australian Human Rights Commission President, Gillian Triggs. (This is a five year term that began in July 2012.) The website contains a lot of information and answers many questions on the rights of people seeking asylum and refugees.

The information can be accessed via the link:

<https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/asylum-seekers-and-refugees-guide>

Amnesty International

Amnesty International performed an independent verification of the Nauru Files in Nauru between July and October 2016. The findings are damning and the resulting report can be found via the following link:

Amnesty International, “Island of Despair: Australia’s ‘Processing’ of Refugees on Nauru”, Amnesty International, 17 October

<https://www.amnesty.org/en/documents/asa12/4934/2016/en/>

ABC Four Corners

The ABC supported the Amnesty International Report “Island of Despair” with an investigative program aired for the first time on Monday 17 October 2016. It can be viewed via the following link:

<http://www.abc.net.au/4corners/stories/2016/10/17/4556062.htm>

Australian Catholic Bishops Conference

The Catholic Bishops released a statement on 13 October 2016 calling for the people transferred to Nauru and Manus Island, PNG to be brought to Australia.

<https://www.catholic.org.au/acbc-media/media-centre/media-releases-new>

Australian Parliamentary Library

This is a research and information gathering resource for the Australian Government on all issues pertaining to government. The Social Policy Section has done extensive research on immigration including refugees and people seeking asylum. Many of the available resources are summarised using the following link:

http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/Quick_Guides/Migration

Catholic Alliance for People Seeking Asylum

A group of Catholic organisations in support of people seeking asylum.

<http://capsa.org.au/resources/>

Refugee Council of Australia

Refugee Council of Australia (RCOA) is a non-profit, non-government organisation. RCOA is the national umbrella body for refugees and the organisations and individuals who support them. The website contains much information about refugees and the work done in Australia by a number of different agencies.

<http://www.refugeecouncil.org.au>

The Guardian News Service

Commentary on immigration and asylum issues in Australia

<https://www.theguardian.com/australia-news/australian-immigration-and-asylum>

United Nations High Commissioner for Refugees (UNHCR)

For information regarding refugees and people seeking asylum worldwide, use the following link:

<http://www.unhcr.org>

For information relating to work done in and by the Australian branch:

<https://www.unrefugees.org.au>

References

- Amnesty International, “*Island of Despair: Australia’s Processing of Refugees on Nauru*”, Amnesty International, 17 October 2016 <https://www.amnesty.org/en/documents/asa12/4934/2016/en/> accessed 18/10/16
- Australian Broadcasting Commission (ABC), “*Kevin Rudd announces new asylum seeker processing and refugee settlement deal with Nauru*”, Updated 5 Aug, 2013 <http://www.abc.net.au/news/2013-08-03/rudd-announces-asylum-policy/4863226> accessed 19/9/16
- Australian Human Rights Commission (AHRC), “*2012 Face the fact – Chapter 3*”, AHRC 2012, Sydney <http://www.humanrights.gov.au/publications/face-facts-2012/2012-face-facts-chapter-3#fn237> accessed 17/10/2016
- Australian Human Rights Commission (AHRC), “*Face the facts: Asylum Seekers and Refugees 2014*”, AHRC 2014, Sydney <https://www.humanrights.gov.au/sites/default/files/FTFAsylumRefugees.pdf> accessed 17/10/16
- Bagshaw, Eryk, “*Refugees brace against a bitter turn in the hearts that gave them a new home*”, The Sun Herald, Sydney, 4 December 2016 p 30-31
- Border Observatory, “*Australian Border Deaths Database*” Monash University, Melbourne 5 September 2016 <http://artsonline.monash.edu.au/thebordercrossingobservatory/publications/australian-border-deaths-database/> viewed 22/8/16
- Davey, Melissa, “*Nauru refugee says medical treatment withheld after he had heart attack*” The Guardian 21 December 2016 accessed 16.2.17 <https://www.theguardian.com/australia-news/2016/dec/21/nauru-refugee-says-medical-treatment-withheld-after-he-had-heart-attack>
- Department of Immigration and Border Protection (DIBP) “*Annual Report 2015-16: Part 3 Annual Performance Statements*” Commonwealth of Australia, Canberra, ACT 2016, p 72 <https://www.border.gov.au/ReportsandPublications/Documents/annual-reports/part-3-2015-16.pdf> accessed 7 November 2016
- Department of Immigration and Border Protection (DIBP), “*Immigration Detention and Community Statistics Summary*”, 31 August 2016, Australian Border Force, DIBP, Canberra ACT <https://www.border.gov.au/ReportsandPublications/Documents/statistics/immigration-detention-statistics-31-aug-2016.pdf> accessed 1 November 2016
- Department of Immigration and Border Protection (DIBP), “*Portfolio Budget Statements 2016-17 Budget Related Paper No. 1.11: Immigration and Border Protection Portfolio*” Commonwealth of Australia 2016 <http://www.border.gov.au/ReportsandPublications/Documents/budget/2016-17-pbs-full.pdf> accessed 24/10/2016
- Department of Social Services (DSS), “*Portfolio Budget Statements 2016-17 Budget Related Paper No. 1.15a: Social Services Portfolio*” Commonwealth of Australia 2016 <https://www.dss.gov.au/about-the-department/publications-articles/corporate-publications/budget-and-additional-estimates-statements/budget-2016/portfolio-budget-statements-2016-17-budget-related-paper-no-115a> accessed 7 November 2016
- Evershed, Nick, Liu, Ri, Farrell, Paul and Davidson, Helen, “*The Nauru Files: The lives of asylum seekers in detention detailed in a unique database*”, 10 August 2016, The Guardian News and Media Limited <https://www.theguardian.com/news/series/nauru-files> accessed 29/8/16
- Hanson, Pauline, Twitter post @PaulineHansonOz. 29 October 2016, 6:20 p.m. <https://twitter.com/PaulineHansonOz/status/792536722907107329?lang=en> accessed 5 December 2016

- Houston, Angus, Report of the expert panel on asylum seekers, Expert Panel on Asylum Seekers, Australian Government, 2012, viewed 16 February 2017, <http://apo.org.au/node/30608>
- Karlsen, Elibritt, “*Australia’s offshore processing of asylum seekers in Nauru and PNG: A Quick Guide to statistics and resources*”, Quick Guide, Research Paper, Department of Parliamentary Library, 30 June 2016, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/Quick_Guides/Offshore accessed 12 September 2016
- March, S and Anderson, S, “UN refugee summit: Malcolm Turnbull and Peter Dutton tout Australia’s immigration policy” ABC News online 19/9/16 Updated 20 September 2016 <http://www.abc.net.au/news/2016-09-20/australia-urges-un-nations-to-adopt-its-border-control-policy/7860160> accessed 18/10/16
- McKenzie, Nick, “*The Men of Manus*”, 10 September 2016, The Sydney Morning Herald <http://www.smh.com.au/national/investigations/the-men-of-manus-20160909-grcpi2.html> accessed 12/9/16
- Phillips, Janet “*A comparison of Coalition and Labor government asylum policies in Australia since 2001*” updated 2 February 2017, Parliamentary Library (Australia), accessed 14 February 2017 http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1617/AsylumPolicies
- Phillips, Janet, “*Asylum seekers and refugees: what are the facts?*” Research Paper, Department of the Parliamentary Library, 2 March 2015 http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/AsylumFacts accessed 7 November 2016
- Phillips, Janet, “*The ‘Pacific Solution’ revisited: a statistical guide to the asylum seeker caseloads on Nauru and Manus Island*” Background Note, Department of the Parliamentary Library, 4 September 2012 http://www.aph.gov.au/about_parliament/parliamentary_departments/parliamentary_library/pubs/bn/2012-2013/pacificsolution accessed 29/8/16
- Phillips, Janet, “*Immigration Detention in Australia*”, Background note, Department of the Parliamentary Library, Updated 20 March 2013, http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/Detention accessed 12/9/16
- Phillips, J and Millbank, A, “*Protecting Australia’s Borders*” Research note no. 22, Department of the Parliamentary Library, 24 November 2003 <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;orderBy=date-eFirst;page=0;query=protecting%20Australia's%20borders%20Decade%3A%222000s%22%20Year%3A%222003%22;rec=11;resCount=Default> accessed 29/8/16
- Phillips, J and Spinks, H, “*Boat arrivals in Australia since 1976*”, Research Paper, Parliamentary Library, Canberra, Updated 23 July 2013 http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/5P1X6/upload_binary/5P1X6.pdf;fileType=application/pdf#search=%22boat%20arrivals%20in%20Australia%20since%22 accessed 3/11/2016
- Refugee Council of Australia (RCOA), “2016-17 Federal Budget: what it means for refugees and people seeking humanitarian protection”, RCOA Sydney 2016 <http://www.refugeecouncil.org.au/wp-content/uploads/2014/08/2016-17-Budget-summary.pdf> accessed 18/10/16
- RCOA,
- Smart Traveller, “*Papua New Guinea*”, Department of Foreign Affairs and Trade, Updated 24 August 2016 http://smartraveller.gov.au/Countries/pacific/Pages/papua_new_guinea.aspx accessed 7 November 2016
- Slezak, Michael and Doherty, Ben, “Sudanese refugee dies in Brisbane hospital after medivac from Manus” The Guardian 24 December 2016 accessed 16.2.17 <https://www.theguardian.com/australia-news/2016/dec/24/sudanese-refugee-dies-in-brisbane-hospital-after-medivac-from-manus>

"Take Action on #Naurufiles." *Love Makes a Way*. N.p., <http://lovemakesaway.org.au/2016/08/24/take-action-on-naurufiles/>

The Bali Process Membership (Website) <http://www.baliprocess.net/membership/> accessed 16 February 2017

Trump, Donald J (@realDonaldTrump) "Do you believe it? The Obama Administration agreed to take thousands of illegal immigrants from Australia. Why? I will study this dumb deal!" 2 February 2017, 14.55. Tweet

United Nations (UN), *Universal Declaration of Human Rights*, 10 December 1948, available at: <http://www.un.org/en/universal-declaration-human-rights/> (accessed 5 September 2016)

UN High Commissioner for Refugees (UNHCR), *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available at: <http://www.refworld.org/docid/503489533b8.html> [accessed 5 September 2016]

UNHCR, "Progress Report mid-2016 Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seekers and refugees – 2014-2019" August 2016 UNHCR <http://www.unhcr.org/protection/detention/57b579e47/unhcr-global-strategy-beyond-detention-progress-report.html> p.6 Accessed 13 September 2016

UNHCR "The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol", UNHCR, Geneva, September 2011 <http://www.unhcr.org/en-au/about-us/background/4ec262df9/1951-convention-relating-status-refugees-its-1967-protocol.html> accessed 17/10/2016

UNHCR *United Nations High Commissioner for Refugees (UNHCR) Inquiry into the use of Immigration Detention Written evidence to the Parliamentary Joint Committee*, 1 October 2014, available at: <http://www.refworld.org/docid/54f590ab4.html> [accessed 5 September 2016]

UN Department of Economic and Social Affairs, *World Statistics Pocketbook*, 2016 Edition, United Nations, New York, 2016 <http://unstats.un.org/unsd/publications/pocketbook> accessed 20/9/16