



# Refugee Council of Australia

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## **Australian hypocrisy undermines regional efforts to protect refugees**

The Australian Government's new arrangement with Papua New Guinea will exacerbate the Asia-Pacific region's challenges with people movement by undermining efforts to improve refugee protection for those who most need it, the Refugee Council of Australia says.

RCOA chief executive officer Paul Power said Australia could not outsource its Refugee Convention responsibilities to a much poorer neighbour and remain credible in advocating that other nations improve protection standards for refugees.

"Through the Bali Process, Australia has rightly encouraged governments in the region to consider a regional cooperation framework which improves refugees' access to durable solutions, emphasising the principles of 'burden sharing and collective responsibility'," Mr Power said.

"However, by unreasonably shifting its responsibilities for asylum seekers to Papua New Guinea through this Regional Resettlement Arrangement (RRA), Australia's international advocacy for responsibility sharing has been exposed as hollow and hypocritical.

"This arrangement is without precedent in the world. It cannot possibly be presented as an example of regional cooperation because it is little more than a wealthy country paying a much weaker neighbour to take on its international responsibilities to people seeking asylum."

Mr Power said important questions needed to be asked about what the policy would mean for asylum seekers sent to Papua New Guinea, what the Government expects the regional impacts of this arrangement to be and how Papua New Guinea would be supported to develop specialised refugee settlement services.

"It was particularly troubling to hear the Prime Minister of Papua New Guinea telling reporters at Friday's media conference that he hoped there would be no refugees for his country to settle. How can the Government of Papua New Guinea reasonably embark on the complex process of building national capacity to settle refugees when its starting point is that it doesn't actually want any refugees?"

Mr Power said the Australian Government must explain how the RRA will deal with the following issues:

- **The need for meaningful pathways to protection in the Asia-Pacific:** The RRA states that it hopes to make a contribution "to encourage [asylum seekers] to avail themselves of lawful channels to seek asylum". Putting aside that seeking protection in Australia by boat is not unlawful, the Australian Government has not made significant or meaningful steps towards establishing channels so that people facing persecution can seek and receive safety.
- **The risk of family separation:** It is not clear what will happen if asylum seekers and refugees subject to this Arrangement have family members in Australia. The impact of prolonged or indefinite family separation because of this Arrangement goes against key principles of resettlement.

- **The unrecognised complexity of return issues, particularly for stateless people:** There is a lack of clarity on what will happen to people who are stateless and cannot return to previous places of residence (even if they are willing to return). Languishing in a detention centre in PNG is not a viable option and is also not a choice that people can make in this situation.
- **The best interests of children:** It is unclear how an assessment of the best interests of each child will be reconciled with this arrangement.
- **Medical concerns for transferred asylum seekers, including children:** There is a lack of clarity on how medical care will be delivered to asylum seekers and refugees, including specialist torture and trauma support. There is also uncertainty related to how young children can be transferred without the requisite inoculations against malaria, cholera and other diseases that are high risk in PNG.
- **Australia's obligations under international law:** It is not clear how the RRA is not in violation of Australia's obligations under the Refugee Convention and other international human rights treaties. It is necessary for the government to demonstrate how this Arrangement is in line with Australia's international obligations.
- **Conflicts with PNG domestic law:** There is no clarity related to refugees given protection from persecution whose membership of a particular group would be in violation of domestic PNG law, particularly refugees persecuted because of sexuality.
- **Basic living conditions in the short and long-term:** It is unclear how asylum seekers will be housed in the short-term nor where they will live if found to be refugees and resettled in PNG. While the Arrangement sets out that both Australia and PNG "take seriously the welfare and safety" of all asylum seekers subject to this Arrangement, there are no details about how people will be supported. As Australia's resettlement program highlights, the needs of resettled refugees require specialist support, particularly in the initial settlement period. It is unclear how refugees will be supported to find housing, access appropriate healthcare, find employment and educational opportunities, or learn English. There are also concerns for the safety and security of refugees on PNG given the high rates of violence prevalent there.
- **Lack of established oversight mechanisms:** There is a lack of oversight mechanisms for the current processing centre, so it is disturbing that not only will there be unlimited people transferred but many could face indefinite detention.
- **The care of unaccompanied minors:** the guardianship arrangements for unaccompanied minors and Australia and PNG's duty of care to these children needs urgent consideration.

Mr Power said that the Regional Resettlement Arrangement was widely, and deservedly, seen as a domestic political fix rather than a serious attempt at regional cooperation.

"We have heard so much from political leaders justifying deterrence policies as essential to breaking the people smugglers' business model. In reality they are breaking the hopes of some of the most vulnerable people in the world who feel they have no other option but to risk their lives to find basic refugee protection in Australia."

**Media contact: Andrew Williams 0488 035 535**