

A REGIONAL REFUGEE PROTECTION FRAMEWORK

A joint statement by Australian non-government organisations

Australia's 2010 Federal election campaign has heightened an already intense national debate about the role of Australia and its neighbours in responding to the humanitarian and political challenges posed by the large numbers of refugees, asylum seekers and displaced people within the Asia-Pacific region. In considering the various options being proposed, it is important to note that these are international challenges which cannot be resolved by any country acting unilaterally. There is no singular or simple "solution" available because there is no singular or simple problem. There is no quick or permanent fix to the issue of people suffering human rights abuses. However, of the responses required, the single most critical element must be the development of an effective and sustainable regional protection framework for refugees and asylum seekers.

Principles for Australia's overall approach

In considering the options available, Australia must act in accordance with the following minimum standards:

- There must be no removal of asylum seekers from Australian territory for processing in a third country. Australia has an obligation to process claims and provide protection to those found to be refugees under the Refugee Convention.
- Australia's refugee and humanitarian programs and policies must comply with all international human rights standards.
- There must be no discrimination or difference in treatment based on the country of origin or manner of arrival in Australia.
- Australia must not fund, or in any way be party to, the detention of refugees in third countries.
- Any program that Australia is party to as part of a regional protection framework must adhere to all human rights obligations and standards.

Elements of a Regional Protection Framework

In seeking to develop a regional protection framework, we must develop a set of approaches flexible enough to respond to ever-changing international conditions.

1. Constructive and collaborative approach

For a regional and international approach to succeed, Australia must engage other governments as partners in the process and implementation, giving attention to their interests and constraints. Australia cannot expect international cooperation to implement schemes we have dictated that suit our country but don't give proper consideration to our neighbours' goals and circumstances.

Negotiations to develop a framework must include all parties who have an important role to play, including Asian countries affected by significant flows of asylum seekers, current and potential countries of resettlement, UNHCR and civil society organisations.

2. Processing asylum claims must meet international standards

UNHCR should have a central operational or supervisory role in claims processing; regard will have to be paid to the international standards the organisation is obliged to respect, its other global responsibilities and the resources it requires. This is particularly the case when considering that UNHCR cannot detain people and does not support designated refugees being held in detention. The processing options could include, but should not be restricted to, processing being conducted within a specific centre or a series of centres.

3. Proper accommodation and service provision

We must examine how best to meet the needs of both recognised refugees and asylum seekers for food, shelter, physical and mental health care, pending resolution of their status. Our partners will require assurances that the resources needed would be made available. Again, the options that need to be explored should include, but not be restricted to, people residing within a particular centre or centres. That is no different to the long-standing situation in Australia, where many asylum seekers live in private accommodation in the community and are not detained. Most critically, Australia must not fund the overseas detention of asylum seekers. In addition, the framework must be sensitive to the circumstances of countries where processing takes place.

4. Timely resettlement programs

Renewed efforts will be needed to secure additional and timely resettlement places for those found to be refugees so as to diminish the need for people to risk their lives on dangerous journeys. Australia will need the co-operation of other resettlement countries, to ensure that other countries in the region are not left to provide long-term support to substantial numbers of refugees. To secure that cooperation and to show how serious we are about a regional framework, Australia should commit to increasing our resettlement program to 20,000 places. These additional places would increase global resettlement options, allowing greater resettlement options from Asia without ignoring pressing needs elsewhere.

Additionally, there is a need for enhanced programs to expedite the safe return of people who, after due process, have been determined not to require protection. NGOs are well placed to assist in developing and implementing safe and appropriate reintegration programs for people whose claims are unsuccessful and are required to return home. The International Organization for Migration (IOM) is also pivotal to any return and re-integration process.

5. Involvement of non-government organisations

The principal consideration in obtaining the support of non-government organisations (NGOs) is to ensure that they are genuinely included in the design, development, implementation and monitoring of any such initiative. Active engagement in service design and delivery will build confidence and foster collaboration. It is possible to draw on NGO expertise to assist with several key elements of operating a regional framework particularly for service provision. These would include organisations that provide legal services, health and welfare, and international aid. NGO involvement will be critical for proper oversight of any ongoing program, ensuring the highest possible standards are met.

Next steps

We recommend that, as soon as possible after the August 21 election, the newly-elected Australian Government establish an expert working group to lead the development of specific, detailed ideas which would be the subject of consultation with governmental, intergovernmental and civil society stakeholders domestically and internationally. The group should be given clear timeframes for completing its work. It should undertake its activities in an open, non-political manner, though a certain measure of confidentiality will be essential particularly in communications with other governments and intergovernmental bodies.

This statement has been endorsed by:

Act for Peace – National Council of Churches in Australia
Amnesty International Australia
Asylum Seekers Centre of NSW
Asylum Seekers Resource Centre
Australian Council for International Development
Brotherhood of St Laurence
Caritas Australia
Coalition for Asylum Seekers, Refugees and Detainees
Edmund Rice Centre
Federation of Ethnic Community Councils of Australia

Foundation House – The Victorian Foundation for Survivors of Torture
Hotham Mission Asylum Seeker Project
International Detention Coalition
Jesuit Refugee Service Australia
Oxfam Australia
Refugee Council of Australia
Refugee and Immigration Legal Centre
Refugee and Immigration Legal Service
Settlement Council of Australia
Uniting Church in Australia
World Vision Australia

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