

26 July 2013, Canberra - UNHCR has reviewed the measures announced by the Australian Government on 19 July in relation to asylum-seekers arriving by boat in Australia. We recognize that these measures take place against a backdrop of rising arrivals by people taking exploitative, dangerous sea journeys – including disturbing numbers of families, unaccompanied children and other vulnerable individuals.

We also share the concern of the Australian Government at the risks to life associated with these journeys, and its commitment to addressing the complex challenges posed by these maritime arrivals for Australia and other countries in the region. It is thanks to the search-and-rescue authorities in Australia, and Indonesia, that more lives are not being lost. Australia additionally deserves recognition as a generous resettlement country.

With regard to the new measures, UNHCR is troubled by the current absence of adequate protection standards and safeguards for asylum seekers and refugees in Papua New Guinea (PNG). Australia's Regional Resettlement Arrangement (RRA) with the Government of PNG raises serious, and so far unanswered, protection questions.

UNHCR's assessment, based on recent visits to PNG, is that there are currently significant shortcomings in the legal framework for receiving and processing asylum-seekers from Australia. These include a lack of national capacity and expertise in processing, and poor physical conditions within open-ended, mandatory and arbitrary detention settings. This can be harmful to the physical and psycho-social well-being of transferees, particularly families and children.

While UNHCR understands that a number of these issues are being addressed, it is concerned at the prospect of further transfers taking place under the new RRA in the absence of appropriate protection guarantees and to what will remain temporary facilities on Manus Island for the foreseeable future.

The arrangement also envisages permanent settlement for recognized refugees in PNG without any prospect of resettlement to Australia. From UNHCR's first-hand experience in supporting Melanesian and non-Melanesian refugees for nearly 30 years, it is clear that sustainable integration of non-Melanesian refugees in the socio-economic and cultural life of PNG will raise formidable challenges and protection questions.

UNHCR considers that, in the context of transfer arrangements, Australia maintains a shared responsibility with PNG to ensure appropriate legal standards. These need to include access to sustainable durable solutions in Australia itself. As a principle, UNHCR always advocates for countries to grant protection within their own territory, regardless of how they have arrived.

UNHCR has consulted over the past week with Australian government representatives in Geneva and Canberra, and we will continue to discuss with both Australia and PNG the very significant policy, legal and operational challenges in ensuring proper protection for all asylum-seekers and refugees affected by the RRA.

Overall, UNHCR believes that greater cooperative efforts need to be found to address the complex challenges of irregular maritime movements. The focus must remain on finding ways that complement – rather than undermine – national asylum systems built on the fundamental principles of the 1951 Refugee Convention. This is important for the countries involved, for the global asylum system, and for all those in need of international protection.