



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

UNHCR Position: Interception and turn back of boats carrying asylum-seekers

23 July 2015

Position Paper

UNHCR Regional Representation in Canberra

UNHCR has consistently expressed its profound concern at the interception at sea of individuals who may be seeking Australia's protection and turn backs that appear to be taking place without adequate consideration of an individual's need for protection.

When boats carrying asylum-seekers are intercepted, UNHCR's position is that requests for international protection should be considered within the territory of the intercepting state, consistent with fundamental refugee protection principles.

UNHCR considers that individuals who seek asylum must be properly and individually screened for protection needs, in a process which they understand and in which they are able to explain their needs. If protection issues are raised, they should be properly determined through a substantive and fair refugee status determination procedure to establish whether any one of them may be at risk of persecution or other serious human rights violations. Anything short of such a screening, referral and assessment may risk putting already vulnerable individuals at grave risk of danger.

UNHCR considers that actions to intercept and turn back boats carrying asylum-seekers are contrary to the spirit of the 1951 Refugee Convention, and the practice of turning back boats carrying potential asylum seekers sets a negative precedent for other countries that are hosting large numbers of asylum-seekers and who do not have legal frameworks and safeguards in place and may seek to emulate Australia's practices and policies. This may have serious consequences for the international system of protection that relies on the sharing, not shifting of responsibilities.