



WATCHING BRIEF: FORCED MIGRATION

This is a summary of the report on a high level Roundtable called *Beyond the Boats: building an asylum and refugee policy for the long term*. It covers the background to, participation in, and outcomes of, the Roundtable, and some questions for Friends to consider.

Introduction

The Roundtable was held on 11 July 2014 in Parliament House, Canberra. It was co-sponsored by the Centre for Policy Development, the Kaldor Centre for International Refugee Law, and Australia 21. It was attended by 35 participants, including MPs from the ALP, Liberals and Greens; a former Indonesian ambassador to Australia; a strategist from Malaysia; UNHCR's former Assistant High Commissioner for Protection; former Immigration and Defence officials; a former Immigration Minister and former Chief of the Defence Force; academic experts; civil society and church groups; a youth representative. Prior to the Roundtable, consultations were held in Sydney and Canberra with young people with a refugee background.

A paper prepared by John Menadue, Arja Keski-Nummi and Peter Hughes was circulated in advance, with the aim of helping participants consider options for a long term asylum policy for Australia. The Roundtable was structured around two key questions:

- How can Australia achieve a non-partisan approach to the care and management of the refugees and asylum seekers already in Australia, Nauru and PNG?
- How can Australia move to an integrated and coherent approach to future arrivals, bearing in mind its international obligations, regional relationships, its prosperity, and the needs of those seeking protection?

Executive Summary

UNHCR estimated that in 2013 there were 51 million people displaced globally. This level is likely to continue as a result of war, resource scarcity, natural disasters and climate change. A small fraction of those displaced seek protection from Australia. Our major political parties have responded by treating the challenge of forced migration as more of a domestic than a regional issue. Hence the focus on stopping the boats – an approach that has largely succeeded. However it fails to deal with the causes and human consequences of forced migration, as the priority given to deterrence risks closing the protection space.

There is an immediate need to have the refugee status settled for the c.33,000 people already in Australia, Nauru and PNG. If they are found to be refugees, they need the opportunity to function as members of the community. Those found to be not in need of protection should be assisted to return home safely.

Australia has a responsibility to build upon its previous contribution to the architecture of international protection for people fleeing persecution, while maintain control over entry to Australia. Measures such as mandatory detention, maritime interception, turn backs and offshore processing have become secretive and militarized. They do not constitute a policy that allows for regional concerns and overall migration and foreign policy considerations. Cross-party consensus will be needed for a sustainable long term policy.



In launching the report, former MP and Minister Fred Chaney spoke of the timeliness of promoting a review of current policies by all political parties, based on respectful dialogue. Russell Broadbent MP said it would be a long walk to achieve bipartisanship, but the journey had begun. Dr Munjed Al Muderis, a former refugee from Iraq, said the report rang true in his experience, and highlighted the contribution refugees would make to Australia.

Since the Roundtable the Government has put forward legislation to reintroduce Temporary Protection Visas and to create temporary Safe Haven Enterprise Visas. This is preferable to indefinite detention, but still leaves many questions unresolved, especially for those unable to work, or unaccompanied minors.

Recommendations

1. Expand pathways for humanitarian resettlement by (a) increasing the annual humanitarian intake to 25,000, or no less than 15% of total migration intake; (b) negotiate orderly departure arrangements to allow asylum seekers to leave their countries safely; (c) use the Special Assistance category visa for vulnerable displaced people.
2. Ensure processing is fair, transparent and effective, wherever it takes place. This includes access to legal assistance.
3. Speed up processing for people from countries where there is an objective protection need (eg Hazaras).
4. Swiftly determine unresolved claims and improve conditions for asylum seekers in Australia, including by work rights.
5. End mandatory detention, except for initial health, security and identity screening.
6. Ensure refugees in offshore processing centres have access to durable solution.
7. Develop and fund a regional Track II dialogue on forced migration. These involve non-governmental discussions that build relationships and explore new ideas. Public officials attend in a personal capacity. Such dialogues have been used in the Asia-Pacific region on other issues.
8. Develop a sustainable regional framework. Start with Malaysia and Indonesia to develop functional processing arrangements.
9. Foster a new national conversation about asylum seekers that engages all parts of the community.

Other Parts of the Report

The report on the Roundtable also includes (a) detailed graphs on numbers and trends in arrivals, (b) a history of government policies since the 1970s, (c) global trends, (d) protection obligations under the 1951 Refugee Convention and its 1967 Protocol, and (e) individual comments by some of the participants, reflecting on the issues raised. The full report can be found at

www.australia21.org.au

Questions

Friends are encouraged to examine the Report and discuss its recommendations, before deciding on action to take in response. Some options for such action could include:

- Letting MPs know what support there is for a new consensus about policy on forced migration.

- Joining with other groups that are seeking to keep the issues alive in the public arena.
- Participating in public events or media opportunities to raise questions about current policies and options for a different approach.
- Giving financial and moral support to the work of UNHCR.
- Examining recent legislation – the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014 - to see how far it may compromise Australia's international obligations. See www.aph.gov.au

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