

Factsheet

THE AUSTRALIA-UNITED STATES REFUGEE RESETTLEMENT DEAL

Last updated: March 2020

So far some 702 refugees have been resettled in the United States from Nauru and Papua New Guinea. Their resettlement is the result of a 2016 bilateral agreement that offered a durable solution for those refugees who are subject to the Australian Government's position that no asylum seeker arriving by boat would be settled in Australia.

What is the Australia–United States refugee resettlement deal?

In September 2016, the United States agreed to consider resettling refugees held in Australia's offshore processing centres on Nauru and Papua New Guinea's Manus Island, as well as those who have been transferred back to Australia for medical reasons. The agreement was made by Australian Prime Minister Malcolm Turnbull and then-US President Barack Obama. While President Donald Trump has publicly criticised the deal, the US has continued to honour it, by 'extreme vetting' and permanently resettling refugees during his term in office.

Is the US a signatory to the Refugee Convention?

The US has not ratified the 1951 Convention relating to the Status of Refugees, but it has ratified the 1967 Protocol to the Convention, which requires it to apply the provisions of the Refugee Convention.

In September 2016, under the Obama administration, the US intended to resettle 110,000 refugees in Fiscal Year 2017, although this figure was significantly [reduced](#) under the Trump administration. The refugee intake for Fiscal Year 2020 is set at [18,000](#).

What is the nature of the arrangement between Australia and the US?

While no formal details are available, it is a bilateral arrangement between Australia and the US, agreed at the [executive](#) level. It does not require parliamentary approval. UNHCR is not a party to the arrangement. Reports indicate that the US undertook to consider resettling up to 1,250 refugees. Former US Deputy Secretary of State Heather Higginbottom has [stated](#) that the US made the agreement to 'relieve the suffering of these refugees'. A leaked [transcript](#) of a telephone call between Prime Minister Turnbull and President Trump in January 2017 indicates that the US is ultimately not obliged to resettle 'any' of the refugees.

The US will determine the total number of refugees it is willing to resettle. The exact number may depend on eligible applicants clearing US authorities' 'extreme vetting' procedures.

How will refugees be processed?

[UNHCR](#) will 'endorse referrals made from Australia to the United States, on a one-off, good offices, humanitarian basis, in light of the acute humanitarian situation.' UNHCR notes that such endorsement 'does not alter Australia's obligations under international law, including the right to seek asylum irrespective of the mode of arrival.'

The US will pay for the costs of resettlement, including flights and accommodation.

How many refugees have been resettled in the US from Nauru and Papua New Guinea?

After processing was paused in [mid-2017](#), the first [54 refugees](#) were resettled in the US in September 2017. As of 2 March 2020, a total of [702](#) refugees have departed for the US.

How many refugees and asylum seekers remain in Nauru and Papua New Guinea?

As of [2 March 2020](#), there are 211 refugees and asylum seekers on Nauru, and 228 refugees and asylum seekers in Papua New Guinea. There are also 1,220 refugees and asylum seekers from Manus and Nauru in Australia to receive medical treatment or accompany those who are receiving treatment.

How has the refugee sector responded to this deal?

In 2016 the UN refugee agency, UNHCR, [welcomed](#) the announcement as a 'much-needed, long-term solution for some refugees who have been held in Nauru and Papua New Guinea for over three years and who remain in a precarious situation.' However, it expressed grave concern for people on Nauru and Manus Island who have not been found to be refugees but who nevertheless remain vulnerable.

In July 2017 the UN High Commissioner for Refugees Filippo Grandi issued a [statement](#) criticising the Australian government's refusal to honour an understanding that vulnerable refugees with close family ties would be allowed to resettle in Australia in exchange for the UNHCR's assistance in the relocation of refugees under the US-Australia resettlement deal. The High Commissioner stated that UNHCR 'has no other choice' but to endorse the deal in order to avoid prolonging the uncertainty faced by refugees on Manus and Nauru.

In 2016 [Amnesty International](#) described the announcement as 'an extreme step in shirking responsibility by the Australian Government.' While noting that the US will give resettled refugees a genuine chance at restarting their lives in a safe place, Amnesty argued that as one of the richest countries in the world, Australia should be 'leading by example' – especially given [record levels](#) of global displacement.

In 2016 the [Human Rights Law Centre](#) said that the arrangement showed that the Australian government had 'finally conceded that the Manus and Nauru detention arrangements are unsustainable.'

In 2016 [Save the Children](#) welcomed the plan as 'an opportunity to restore hope and provide a pathway towards a safe and prosperous future for refugees who have spent years languishing on Nauru and Manus Island.' However, it noted that Australia should work towards 'a more humane and effective immigration system' and engage 'as closely as possible with other countries in the Asia Pacific region to establish a functioning regional protection framework.'

A number of overseas commentators expressed bewilderment and concern that US resettlement places were being taken up by refugees who were Australia's responsibility as a matter of international law

What will happen to people who are found not to be refugees?

This remains unclear. UNHCR has [expressed](#) grave concern for these people.

See also Kaldor Centre Factsheets on [Offshore Processing](#) and the [Australia-Cambodia Agreement for refugees in Nauru](#).