

Transfer Tracker: Explanatory Notes

August 2018

These Explanatory Notes are to be read in conjunction with the Transfer Tracker. They clarify the data it contains and the sources from which it is drawn.

What is the Transfer Tracker?

The Transfer Tracker collates official data published by the Department of Home Affairs (formerly the Department of Immigration and Border Protection) ('the Department') between September 2012 and June 2018 about:

- the number of people transferred to the regional processing centres (RPCs) in Nauru and on Manus Island in Papua New Guinea (PNG);
- the number of people residing in each RPC;
- the progress of refugee status determination (RSD) in Nauru and PNG, and the outcomes of those processes;
- the progress of resettlement of refugees to third countries; and
- the number of people repatriated from Nauru or PNG to their country of origin.

The Transfer Tracker contains four sheets, with data relating to:

1. Nauru
2. PNG (Manus Island)
3. Repatriations from Nauru and PNG
4. Transfers (resettlement) to the United States

Unless otherwise indicated, all figures are as at the end of the relevant month. A glossary of key terms and acronyms is included as Annex I to these Explanatory Notes.

Printing

Sheets 1 and 2 of the Transfer Tracker are designed to be printed in A3 landscape format. Sheet 3 is designed to be printed in A4 portrait format. Sheet 4 is designed to be printed in A4 landscape format.

Sheets 1 and 2: Nauru and PNG (Manus Island)

Transfers from Australia

These figures show new transfers to each RPC. They do not include the return of ‘transitory persons’ (i.e. people who were brought back to Australia for a temporary purpose and then were re-sent to Nauru or PNG).

The figures for September 2012 to June 2013 are sourced from the Department’s Annual Report 2012–2013.¹

The Department did not report the number of month-by-month transfers between 1 July 2013 and 17 September 2013. As a result, the data for this period was calculated as follows:

	Nauru	Manus
Total transfers from Australia as at 30 June 2014 ²	2026 –	1959 –
Less transfers up to 30 June 2013 ³	611	356
Equals total transfers 1 July 2013 to 30 June 2014	1415 –	1603 –
Less transfers between 18 Sept and 30 June 2014 ⁴	1117	769
Total transferred 1 July 2013 – 17 September 2013	298	834

The Department did not release a Monthly Operational Update for December 2013. As a result, the number of transfers from Australia in this month was calculated as follows: (total number of transfers as at 31 January 2014) – (total number of transfers as at November 2013) – (transfers in January 2014).

All other figures are sourced from the Department’s monthly Operation Sovereign Borders (OSB) media releases and operational updates.⁵

RPC population

These figures show the total population of each RPC for a given month, and the breakdown between asylum seekers and people recognised as refugees in each centre (where provided).⁶

Nauru

- People found to be refugees began to move out of the RPC into the Nauruan community in May 2014, however the Department did not start to report that all people with a positive decision were living in the community until February 2015. As such, the publicly available data does not show what proportion of the RPC’s total population was made up of asylum seekers and refugees respectively for the period May 2014 – February 2015.
- As at 31 May 2015, only 487 of the 495 people who had been recognised as refugees were reported to be living in the Nauruan community. Eight were unaccounted for, and could have been still in the RPC, back in Australia as transitory persons, or elsewhere.

- From October 2015 onwards, the Nauru RPC housed both asylum seekers and people who had been found to be refugees but continued to live in the RPC under 'open centre arrangements'. From this time, Department updates did not show what proportion of the RPC's total population was made up of asylum seekers and refugees respectively, nor the percentage of those people found to be refugees who were living in the community as opposed to the RPC.

PNG (Manus Island)

- After the PNG Supreme Court ruled the detention of men at the Manus Island RPC unconstitutional in April 2016,⁷ the asylum seekers and refugees previously detained there were given a small degree of freedom of movement. From this time, the Department's official updates have read: 'With the opening of the Manus RPC, those yet to be determined are now permitted to depart the RPC. The figure on those still living in the RPC will therefore be fluid'.
- Since May 2016, the Department's updates ceased to list how many men were residing at the transit centre near Lorengau.
- The Australian government formally 'closed' the Manus RPC on 31 October 2017. At this time all remaining asylum seekers and refugees moved to 'transit' facilities elsewhere on Manus Island. The Department did not include the number of asylum seekers and refugees at each of these facilities in its subsequent monthly updates.

Refugee status determination (RSD)

These figures show the rate at which RSD decisions were made, and their outcomes. They are sourced from the Department's monthly OSB media releases and operational updates.

Asylum seekers who arrived in Australia between 13 August 2012 and 18 July 2013 and were transferred offshore did not complete their RSD in Nauru or PNG. Instead, they were transferred back to Australia after 19 July 2013, where they waited for the processing of their claims to start again.

From November 2017 the Department's reports stopped providing monthly RSD figures and instead stated that 'the processing of refugee claims are matters for the governments of PNG and Nauru'.

Nauru

- The first people were recognised as refugees and moved out of the RPC into the community in May 2014. However, the Department did not start to provide official statistics about the number of claims assessed and the location of people found to be refugees until July 2014.
- In some months between November 2015 and October 2016, the Department's figures suggest that a fewer number of final decisions had been made than the month before. The cells containing these issues have been highlighted in blue.
- An asylum seeker will not have exhausted all avenues for review of a negative decision until they have undergone merits review and, if available in their case, judicial review. Data about these stages of review was not included in the Department's monthly reports.

Manus Island

- Asylum seekers on Manus first receive an ‘interim determination’, i.e. an initial decision on their claim for protection made by the PNG Immigration and Citizenship Authority. This decision is then referred to the PNG Minister for Foreign Affairs and Citizenship to be affirmed or denied (as a ‘final determination’).
- The first interim determinations were made in April 2014,⁸ however the Department did not begin to publish data about these decisions until July 2014. The first final determinations were not made until January 2015, at which point those with a positive determination were permitted to leave the RPC.⁹

Confusion about the Department’s reporting on RSD on Manus Island

From July 2014 (when the Department started to provide RSD data for asylum seekers on Manus Island) until April 2016, it appeared that the number of final positive determinations reported each month were a subset of the total number of interim positive determinations (that is, if 100 positive initial determinations had been made, and 20 positive final determinations, there were 80 positive initial determinations yet to be confirmed).

However, from April 2016, the Department began reporting a higher number of final positive determinations than the total number of interim positive determinations.

In May 2017, in answers to Questions taken on Notice from Senate Estimates, the Department clarified that the RSD figures provided in relation to Manus Island ‘are based on the total number of decisions rather than the number of persons. As such, if an individual received both an initial assessment and final determination, they will be counted multiple times.’ To explain the higher numbers of final positive determinations as compared with interim positive determinations, the Department stated that ‘a large number of negative [interim] assessments … were subsequently determined to be positive by the Minister of Papua New Guinea.’¹⁰

This explanation did not fully resolve the uncertainty around the Department’s reporting of RSD data on Manus Island. As such, these figures should be treated with caution.

Refugee population

These figures show the total number of people recognised as refugees through the Nauruan and PNG RSD processes (including, for Nauru, the people recognised as entitled to complementary protection), and information about their resettlement to third countries. This data is drawn from the Department’s monthly OSB media releases and operational updates and the sources listed in the Sheet 4 (‘Transfers to the US’).

Nauru

- Of the refugees who elected to be resettled in Cambodia, most subsequently left. For more information, see the Kaldor Centre [research brief](#) on the Australia-Cambodia refugee deal.

Manus Island

- The Department only provided information about the number of refugees living in transit centre(s) in Lorengau, elsewhere in PNG, or back in Australia (as transitory persons) periodically, and not at all after April 2016.
- One refugee was resettled from PNG to the United States in addition to those listed in this Sheet. For more information see Sheet 4 ('Transfers to the US').

Sheet 3: Repatriations (Nauru and Manus)

These figures reflect the combined number of repatriations from both the Nauru and Manus Island RPCs from September 2013 onwards (prior to this date, these figures were not regularly published).

The figures from September 2013 onwards are sourced from two sets of Department data:

- the monthly OSB media releases published on a monthly basis since July 2014 (called 'Joint Agency Task Force monthly updates' from July to December 2014, and 'Operation Sovereign Borders monthly updates' since January 2015); and
- and the monthly OSB operational updates published from September 2013 to October 2017.¹¹

There were periodic discrepancies between the number of repatriations reported in the media releases and monthly operational updates, which were not accounted for. The months in which different figures were reported are highlighted in green.

There may be a question as to whether all repatriations from Nauru and PNG have been truly 'voluntary' – that is, fully informed and consensual, and not prompted by uncertainty and protracted detention.¹² UNHCR lists the core components of voluntary repatriation as: physical safety, legal safety, material safety and reconciliation.¹³

Sheet 4: Transfers to the United States

These figures show the number of refugees resettled to the United States from each regional processing country, and their countries of origin. When providing the countries of origin of resettled refugees, the Department's totals exceeded the total number of people reported to have been resettled to the United States. This discrepancy was not explained during the Senate Estimates hearings in May 2018.

Annex I

Key terms and acronyms

Asylum seeker	A person who is seeking protection as a refugee. The term implies that the person has not yet had their refugee claim determined by an official – in other words, they might be a refugee, but this is not yet known because no one has heard and evaluated their claim.
Department	Australian Department of Immigration and Border Protection (DIBP)
Interim determination	The initial decision made about an asylum seeker's claim for protection on Manus Island, which is then referred to the PNG Minister for Foreign Affairs and Citizenship to be affirmed or denied. Asylum seekers on Nauru do not receive interim determinations – they receive either a positive outcome or a negative outcome (which may then be appealed).
Operation Sovereign Borders (OSB)	Australia's military-led 'border security' operation, supported and assisted by a wide range of federal government agencies. It commenced September 2013.
Refugee	A person who has a well-founded fear of being persecuted for reasons of their race, religion, nationality, political opinion or membership of a particular social group, and who cannot return home because this would expose them to a risk of persecution. Countries have obligations under international law to protect refugees, as well as people fleeing other serious human rights violations, such as torture or cruel, inhuman or degrading treatment or punishment.
Refugee status determination (RSD)	The legal and administrative procedure undertaken to determine whether a person should be recognised as a refugee under national and international law.
Regional Processing Centre (RPC)	The centres on Nauru and on Manus Island in Papua New Guinea where asylum seekers and refugees transferred from Australia reside (and were previously detained) while their claims are processed.
Repatriation	The process of returning a person to his or her place of origin or citizenship. UNHCR lists the core components of voluntary repatriation as: physical safety, legal safety, material safety and reconciliation.
Transitory persons	Asylum seekers and refugees who were sent to Nauru or Manus Island, and subsequently were transferred back to Australia 'for a temporary purpose' (e.g. to receive medical treatment or give birth). Transitory persons must be sent back offshore as soon as the reason for their return to Australia has been resolved. ¹⁴
UNHCR	UN High Commissioner for Refugees

Endnotes

¹ Department of Immigration and Citizenship, 'Annual Report 2012-2013' (2013) <https://www.border.gov.au/ReportsandPublications/Documents/annual-reports/2012-13-diac-annual-report.pdf>, 205.

² Department of Immigration and Border Protection, 'Annual Report 2013-2014' (2014) http://www.border.gov.au/ReportsandPublications/Documents/annual-reports/DIBP_AR_2013-14.pdf, 199.

³ Department of Immigration and Citizenship, 'Annual Report 2012-2013' (2013) <https://www.border.gov.au/ReportsandPublications/Documents/annual-reports/2012-13-diac-annual-report.pdf>, 205.

⁴ Department of Immigration and Border Protection, 'Monthly Operational Update: June 2014' (30 June 2014) <http://newsroom.border.gov.au/channels/Operation-Sovereign-Borders/releases/monthly-operational-update-june>.

⁵ Available through the Operation Sovereign Borders Newsroom at <http://newsroom.border.gov.au/>.

⁶ The figures from September 2012 to August 2013 are drawn from: Elibritt Karlsen, '[Australia's offshore processing of asylum seekers in Nauru and PNG: a quick guide to the statistics](#)', Australian Parliamentary Library, Research Paper Series 2015-16 (12 October 2015) http://parlinfo.aph.gov.au/parlInfo/download/library/prspub/4129606/upload_binary/4129606.pdf. The figures from September 2013 onwards are drawn from the Department's OSB media releases and monthly operational updates, available at <http://newsroom.border.gov.au/>.

⁷ *Namah v Pato* [2016] PGSC 13 (26 April 2016).

⁸ Liam Cochrane, 'PNG govt makes 'positive assessment' of Iranian's refugee claim', ABC News (online), 30 April 2014, <http://www.abc.net.au/news/2014-04-30/an-png-govt-makes-27positive-assesment27-of-refugee-claim/5421608>.

⁹ Sarah Whyte, 'First two refugees move out of Manus detention compound to resettlement centre', *Sydney Morning Herald* (online), 21 January 2015, <https://www.smh.com.au/politics/federal/first-two-refugees-move-out-of-manus-detention-compound-to-resettlement-centre-20150121-12v4xk.html>.

¹⁰ Department of Immigration and Border Protection, Answer to Questions on Notice from Senator McKim, 'PNG refugee status determination numbers', BE17/153, 22 May 2017, http://www.aph.gov.au/Parliamentary_Business/Senate_Estimates/legconctte/estimates/bud1718/DIBP/index.

¹¹ Available through the Operation Sovereign Borders Newsroom at <http://newsroom.border.gov.au/>.

¹² For more information see: UNHCR, 'UNHCR monitoring visit to Manus Island, Papua New Guinea: 11-13 June 2013' (12 July 2013), <http://www.refworld.org/docid/51f61ed54.html>, 16-17; UNHCR, 'UNHCR monitoring visit to Manus Island, Papua New Guinea: 23 to 25 October 2013' (26 November 2013), <http://www.refworld.org/docid/5294aa8b0.htm>, 2, 24, 25; UNHCR, 'UNHCR monitoring visit to the Republic of Nauru: 7 to 9 October 2013' (26 November 2013), <http://www.refworld.org/docid/5294a6534.html>, 3, 24, 25.

¹³ UNHCR, *Handbook for Repatriation and Reintegration Activities* (Geneva, May 2004), <http://www.unhcr.org/partners/guides/411786694/handbook-repatriation-reintegration-activities-emcomplete-handbookem.html>.

¹⁴ Under the *Migration Act 1958* (Cth), an officer may bring a 'transitory person' back to Australia from an offshore processing country 'for a temporary purpose', however they must be transferred back offshore 'as soon as reasonably practicable after the person no longer needs to be in Australia for that purpose'. Transitory persons cannot apply for a visa while in Australia unless given written permission from the Minister for Immigration and Border Protection to do so: *Migration Act*, ss 46B, 198(1A), 198AH, 198B.