

## Where To From Here on Refugee Policy?

### **Kaldor Centre Expert Roundtable identifies obstacles, proposes alternatives for regional cooperation on refugee protection**

At a time of increasingly polarised debate globally, Australia faces many difficult questions about refugee protection. What is the future for offshore processing? Are boat turn-backs safe and legal? Is regional cooperation a realistic policy goal? Are there alternative ways to provide safe pathways to protection for those who need it?

UNSW's Kaldor Centre for International Refugee Law today released its latest report, *Where To From Here?*, which sets a course to move public debate forward from divisive politics to principled and pragmatic solutions in line with international law. The comprehensive report arises from roundtable discussions among expert lawyers, academics, UNHCR and civil society representatives, who proposed both urgent and longer-term strategies for action.

Of most immediate concern to the expert roundtable was resolving the situation of those asylum seekers and refugees entering their fourth year on Nauru and Manus Island, who face serious and ongoing threats to their safety and wellbeing, and present with unprecedented levels of mental health concerns.

"The arrangements on Manus and Nauru are unsustainable," said lawyer and Kaldor Centre Senior Research Associate Madeline Gleeson, who convened the roundtable and also authored the acclaimed book *Offshore: Behind the Wire on Manus and Nauru*.

Meanwhile, the terms of Australia's refugee resettlement deal with the United States remain secret, as do those of any other third-country agreements that may be in the works.

Launching *Where To From Here?*, Gleeson submitted that Australia's exit strategy from its offshore arrangements must be sensitive to humanitarian considerations as well as its legal obligations, due to this group's extended time in detention on Manus and Nauru:

"Australia cannot accept whatever politically expedient deal it is able to negotiate with any country to get out of this damaging arrangement of our own making," Gleeson said.

"There are minimum legal standards that govern whether third-country resettlement is appropriate – a country must guarantee that refugees will not be returned to persecution, that they can live free from discrimination, with full enjoyment of their rights, and that they will enjoy integration support and the right to family reunification.

“But because the group of refugees on Manus Island and Nauru has suffered distinctly as a result of Australia’s policies, they require a higher standard of services. Australia must ensure these people are resettled in countries that not only offer effective protection, but also have a proven capacity to provide them with the professional mental health care they urgently need.”

*Where To From Here?* notes that “while the existence of adequate psychological support might not ordinarily be a determinative criterion for the viability of a resettlement country, some participants deemed it essential in this case”.

Beyond offshore processing, the new report delves deep into key policy areas to identify practical ways forward consistent with international law and standards. Among the highlights:

- **Protection at sea** – The report notes significant concerns with the current level of secrecy shrouding Australia’s maritime interception operations, including that it prevents a proper consideration of the legality of these operations, and hinders collaborative responses to the challenges of flight by sea. Independent oversight and monitoring is essential.
- **Protection in the region** – Given that political will on regional cooperation is limited and variable in the Asia-Pacific, any opportunity to improve refugee protection should be seized and subsequently built upon, including bilateral measures. The roundtable set out general criteria for building a long-term framework for cooperation on refugee protection. For the mid-term, it outlined concrete ‘next steps’ to improve cooperation on refugee protection in the region, including strengthening existing human rights architecture, promoting practical pilot programs, and improving the region’s capacity to protect asylum seekers at sea and respond to situations of mass influx.
- **Safe pathways to protection** – Alternative migration pathways can serve as natural complements to resettlement and provide enormous positive benefits for people in need of protection and for host communities. These alternatives include public or community sponsorship programs, in-country processing and protection-sensitive migration pathways for skilled workers, people with family in Australia and students. However, alternative approaches should not detract from or undermine the existing refugee protection regime.

The Kaldor Centre will build upon the findings of the Expert Roundtable through its ongoing work on regional cooperation, which will be highly relevant to global debates in the lead up to the adoption of the UN Global Compacts on Refugees and Migration in 2018.

*The Andrew & Renata Kaldor Centre for International Refugee Law is the world’s first and only research centre dedicated to the study of international refugee law. The Centre was founded at UNSW in October 2013 to undertake rigorous research and contribute to public policy involving the most pressing displacement issues in Australia, the Asia-Pacific region and the world.*

Find more information [here](#), including the full Kaldor Centre Expert Roundtable report, *Where To From Here?*

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