

## 76. Offshore Processing Arrangements

In September 2001, the Australian Government introduced significant legislative changes to strengthen border control and the management of unauthorised arrivals.

These changes allow for certain parts of Australian territory to be excised from the migration zone. This means that a person landing in an excised territory is not entitled to make an application for a visa. The Minister for Immigration and Multicultural and Indigenous Affairs has the power to allow a valid application to be made in the public interest.

Ashmore and Cartier Islands, Christmas Island, Cocos (Keeling) Islands, offshore sea and resource installations are prescribed excised offshore places.

The legislation allows for people who arrive at an excised offshore place to be taken to a declared country.

A declared country provides people seeking asylum with access to effective procedures for assessing their claims. Asylum seekers are also provided with appropriate care and protection pending the determination of their refugee claims and while they await either resettlement or return (see s198A of the *Migration Act 1958*).

### **Pacific Strategy**

Offshore processing facilities were established in two declared countries - Nauru and Papua New Guinea. These facilities were set up with the cooperation of the Governments of Nauru and Papua New Guinea. Asylum seekers are not detained under Australian law, or the laws of Nauru or Papua New Guinea, but are instead granted Special Purpose Visas by those countries to facilitate their stay while they await processing and resettlement or return.

The processing facility in Nauru was established on 19 September 2001, with the arrival of people from *MV Tampa* and a group of unauthorised arrivals who were found at Ashmore Island.

The processing centre in PNG at the Lombrum Naval Base in Manus Province was established on 21 October 2001.

The offshore processing of asylum seekers at the centres in PNG and Nauru has become known as the 'Pacific Strategy'.

The processing of those people includes establishing identity, checking their health status and importantly, dealing with any claims for refugee protection. Assessing these claims in Nauru or Manus Province fully satisfies Australia's obligations under the *1951 United Nations Convention Relating to the Status of Refugees* (UN Refugee Convention) and its 1967 Protocol.

The Pacific Strategy has succeeded in deterring people smuggling. People are not prepared to risk their lives and the lives of their families with people smugglers who cannot deliver on promises to get their clients to Australia. The reduction in unauthorised boat arrivals has allowed resources to be redirected, enabling Australia to increase its refugee intake by 50 per cent, from 4000 to 6000 places each year.

The Pacific Strategy has cost \$218 million from its inception in September 2001 to May 2005.

### **Managing the offshore facilities**

The International Organization for Migration (IOM) manages and operates the offshore processing facilities in Nauru and Papua New Guinea.

IOM are internationally renowned for the high level of care that they deliver to centre residents. IOM provides high quality and responsive services in its management of the processing centres, giving priority to the social well-being of the centres' residents. IOM continually reviews its community health programs as the residents' circumstances change with population movements, ensuring programs address changing needs. These holistic programs include a wide range of sporting and leisure activities (including satellite television, videos and reading materials) and education programs (which include language classes and computer skills. In addition:

- there are regular excursions for shopping and swimming
- school-aged children regularly attend local schools
- residents have regular access to Internet and personal e-mail in the town centre and

- IOM conducts occupational activities for residents, including catering, gardening, nursery management, woodworking, electrical equipment maintenance and repairs and poultry farming.

Since 1 March 2005, the centres in Nauru have been maintained on an 'open centre' basis which allows residents freedom of movement between 8am and 7pm from Monday through to Saturday, with some exclusion zones such as the airport.

## Facilities provided

### *Nauru*

The processing facility in Nauru comprises two separate sites known as Topside and State House. The site at Topside currently has no residents and is being maintained on a contingency basis. Air-conditioned accommodation is provided for all centre residents. There are separate ablution facilities for men and women, prayer rooms, recreation and sporting facilities.

As at 12 May 2005, 54 people were located at the Offshore Processing Centre in Nauru. The Government of Nauru has agreed that up to 1500 people may be accommodated in the processing facilities at any one time, under arrangements which expire on 30 June 2005.

### *Papua New Guinea*

Accommodation at the processing facility in Manus Province consists of air-conditioned demountable buildings, separate ablution blocks for men and women, sporting, educational and recreational facilities.

As at 12 May 2005, there were no residents at the Manus facility. Arrangements with PNG formally expired on the 21 April 2005, however negotiations are currently underway between Australia and PNG to extend these arrangements.

## Offshore Processing

All asylum seekers in Nauru and Manus have had their refugee claims assessed. In Nauru, some protection claims were assessed by representatives of the United Nations High Commissioner for Refugees (UNHCR), while others were assessed by the Australian Government.

In PNG claims were assessed by the Australian Government.

Asylum seekers whose initial claims for protection were rejected had their decisions reviewed. All the remaining Afghans and most of

the remaining Iraqis in Nauru have subsequently had their decisions reviewed a second time.

Assessment was focussed on undertaking objective refugee status assessments in accordance with the *1951 UN Refugee Convention*. The assessment processes aimed to identify those who needed protection. Those requiring protection were then considered for resettlement.

## Refugee and non-refugee resettlements

As at 12 May 2005, 958 refugees had been resettled: 559 in Australia, 360 in New Zealand, 19 in Sweden, six in Denmark, 10 in Canada and four in Norway.

In addition to 958 refugees, a further 52 non-refugees have also been resettled, bringing the total number of people resettled from Nauru and Manus Province to 1010 as at 1 May 2005. Non-refugee resettlements comprise: 41 who were resettled to New Zealand under other policies, bringing New Zealand's resettlement total to 401 people, Canada has resettled six non-refugees, Australia has resettled an Iraqi family of four non-refugees and Sweden has accepted one non-refugee who has family there.

In early 2004 both the UNHCR and the Australian Government decided to re-examine their remaining Afghan caseloads in light of updated country information on Afghanistan. In total, the cases of 197 Afghans were re-examined, with 168 found to be refugees and 29 found not to be in need of protection.

In late 2004, Australia reassessed the caseload of 43 Iraqi asylum seekers, including fifteen people who were originally assessed by UNHCR. Four Iraqis previously found not to be refugees by the UNHCR did not wish to have their cases re-assessed by Australia. Twenty-seven people were found to be refugees and were subsequently resettled to Australia. Fourteen people were found not to be refugees. Decisions for a further two people have been deferred pending further investigation.

Those found not to be in need of protection are expected to return to their country of origin when circumstances permit. The Australian Government has offered a generous reintegration package to assist people returning to their country of origin.

As at 12 May 2005, 482 had voluntarily returned to their countries of origin from the processing centres in Nauru and Manus Province. Of these, 429 had accepted the Australian Government's reintegration package, with the remainder financial assistance from IOM.

As at 12 May 2005, 1547 asylum seekers had been accommodated at the processing centres in Nauru and Manus Province. Of these 3.5 per cent remain in Nauru awaiting either resettlement or return, 31 per cent had voluntarily returned home and 65.5 per cent had been resettled.

(See Fact Sheet 65 – *New Humanitarian Visa System*.)

#### Total Population by Status and Nationality

Nationality	Present	Returned	Resettled Refugees	Resettled non-refugees	Other	Total
Afghan	29	420	309	27	1*	786
Bangladeshi	2	4		1		7
Iranians	2	16	2			20
Iraqis	20	24	616	24		684
Pakistani	1	6	2			9
Palestinian			21			21
Sri Lankans		4	2			6
STATELESS			4			4
Turk		8	2			10
<b>Total</b>	<b>54</b>	<b>482</b>	<b>958</b>	<b>52</b>	<b>1</b>	<b>1547</b>

\*Deceased

Further information is available on the department web site:

<http://www.immi.gov.au>

The department also operates a 24-hour telephone inquiry line, on 131 881 for the cost of a local call from anywhere in Australia.

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