

SUMMARY OF RECOMMENDATIONS

Principles

Recommendation 1

The Panel recommends that the following **principles** should shape Australian policymaking on asylum seeker issues (paragraphs 2.6-2.22):

- The implementation of a strategic, comprehensive and integrated approach that establishes short, medium and long-term priorities for managing asylum and mixed migration flows across the region.
- The provision of incentives for asylum seekers to seek protection through a managed regional system.
- The facilitation of a regional cooperation and protection framework that is consistent in the processing of asylum claims, the provision of assistance while those claims are being assessed and the achievement of durable outcomes.
- The application of a 'no advantage' principle to ensure that no benefit is gained through circumventing regular migration arrangements.
- Promotion of a credible, fair and managed Australian Humanitarian Program.
- Adherence by Australia to its international obligations.

Australia's Humanitarian Program

Recommendation 2

The Panel recommends that **Australia's Humanitarian Program** be increased and refocused:

- The Humanitarian Program be immediately increased to 20,000 places per annum (paragraphs 3.3-3.8).
- Of the 20,000 places recommended for the Humanitarian Program, a minimum of 12,000 places should be allocated for the refugee component which would double the current allocation (paragraphs 3.3-3.8).
- Subject to prevailing economic circumstances, the impact of the Program increase (recommended above) and progress in achieving more effective regional cooperation arrangements, consideration be given to increasing the number of places in the Humanitarian Program to around 27,000 within five years (paragraphs 3.3-3.8).
- The Humanitarian Program be more focused on asylum seeker flows moving from source countries into South-East Asia (paragraphs 3.3-3.9).

Regional engagement

Recommendation 3

The Panel recommends that in support of the further development of a regional cooperation framework on protection and asylum systems, the Australian Government expand its relevant **capacity-building initiatives** in the region and significantly increase the allocation of resources for this purpose (paragraphs 3.26-3.28).

Recommendation 4

The Panel recommends that **bilateral cooperation on asylum seeker issues with Indonesia** be advanced as a matter of urgency, particularly in relation to:

- The allocation of an increased number of Humanitarian Program resettlement places for Indonesia (paragraphs 3.20-3.22).
- Enhanced cooperation on joint surveillance and response patrols, law enforcement and search and rescue coordination (paragraphs 3.20-3.22).
- Changes to Australian law in relation to Indonesian minors and others crewing unlawful boat voyages from Indonesia to Australia (paragraphs 3.20-3.22).

Recommendation 5

The Panel recommends that Australia continue to **develop its vitally important cooperation with Malaysia on asylum issues**, including the management of a substantial number of refugees to be taken annually from Malaysia (paragraphs 3.23-3.24).

Recommendation 6

The Panel recommends a **more effective whole-of-government strategy be developed for engaging with source countries** for asylum seekers to Australia, with a focus on a significant increase in resettlement places provided by Australia to the Middle East and Asia regions (paragraphs 3.29-3.33).

Regional processing

Recommendation 7

The Panel recommends that **legislation to support the transfer of people to regional processing arrangements be introduced into the Australian Parliament as a matter of urgency** (paragraphs 3.54 and 3.57). This legislation should require that any future designation of a country as an appropriate place for processing be achieved through **a further legislative instrument that would provide the opportunity for the Australian Parliament to allow or disallow the instrument** (paragraph 3.43).

Recommendation 8

The Panel recommends that a **capacity be established in Nauru** as soon as practical to process the claims of IMAs transferred from Australia in ways consistent with Australian and Nauruan responsibilities under international law (paragraphs 3.44-3.55).

Recommendation 9

The Panel recommends that a **capacity be established in PNG** as soon as possible to process the claims of IMAs transferred from Australia in ways consistent with the responsibilities of Australia and PNG under international law (paragraphs 3.56-3.57).

Recommendation 10

The Panel recommends that the 2011 Arrangement between the Government of Australia and the Government of Malaysia on Transfer and Resettlement (Malaysia Agreement) be built on further, rather than being discarded or neglected, and that this be achieved through high-level bilateral engagement focused on strengthening safeguards and accountability as a positive basis for the Australian Parliament's reconsideration of new legislation that would be necessary (paragraphs 3.58-3.70).

Family reunion

Recommendation 11

The Panel recommends that the current backlog in the SHP be addressed as a means of **reducing the demand for family reunion through irregular and dangerous maritime voyages to Australia**, and that this be achieved through removing family reunion concessions for proposers who arrive through irregular maritime voyages – with these proposers to instead seek reunion through the family stream of the Migration Program (paragraphs 3.13-3.18).

Recommendation 12

The Panel recommends that in the **future those who arrive in Australia through irregular maritime means should not be eligible to sponsor family** under the SHP but should seek to do so within the family stream of the Migration Program (paragraph 3.71).

Other recommendations

Recommendation 13

The Panel recommends that Australia promote **more actively coordinated strategies among traditional and emerging resettlement countries** to create more opportunities for resettlement as a part of new regional cooperation arrangements (paragraphs 3.35-3.37).

Recommendation 14

The Panel recommends that the **Migration Act 1958 be amended** so that arrival anywhere on Australia by irregular maritime means will not provide individuals with a different lawful status than those who arrive in an excised offshore place (paragraphs 3.72-3.73).

Recommendation 15

The Panel recommends that a **thorough review of refugee status determination** (RSD) would be timely and useful (paragraphs 3.74-3.76).

Recommendation 16

The Panel recommends that a more effective whole-of-government strategy be developed to negotiate better outcomes on **removals and returns** on failed asylum seekers (paragraphs 3.81-3.83).

Recommendation 17

The Panel recommends that **disruption strategies** be continued as part of any comprehensive approach to the challenges posed by people smuggling and that relevant Australian agencies be resourced with appropriate funding on a continuing basis for this purpose (paragraphs 3.84-3.86).

Recommendation 18

The Panel recommends that **law enforcement** agencies in Australia continue their activities in countering involvement of Australian residents who are engaged in funding or facilitating people smuggling operations (paragraph 3.87).

Recommendation 19

The Panel notes that **the conditions necessary for effective, lawful and safe turnback of irregular vessels carrying asylum seekers to Australia** are not currently met, but that this situation could change in the future, in particular if appropriate regional and bilateral arrangements are in place (paragraphs 3.77-3.80).

Recommendation 20

The Panel recommends that Australia continue to work with regional countries in a focused way to develop joint operational guidelines for managing **Search and Rescue (SAR)** activities in the region and to address the need for any further regional and national codification of arrangements across SAR jurisdictions (paragraphs 3.88-3.90).

Recommendation 21

The Panel recommends that, in the context of a review of the efficacy of the recommendations put forward in this Report, **the linkage between the onshore and offshore components of the Humanitarian Program be reviewed within two years.**

Recommendation 22

The Panel recommends that the incompleteness of the current evidence base on asylum issues be addressed through a **well-managed and adequately funded research program engaging government and non-government expertise** (paragraphs 3.38-3.40).