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## **An end to offshore processing in Australia's asylum policies**

### **June 2021**

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#### **Background**

Since 2012, successive Australian Governments have adopted harsh and punitive responses to people arriving by boat to seek asylum in Australia. Since 13 August 2012, people arriving by boat in Australia, without a valid visa, have been sent to offshore processing sites in Nauru, or Manus Island in Papua New Guinea (PNG).

In July 2013, the Australian Government further toughened its stance, stating that no person arriving by boat without a valid visa will ever be resettled to Australia, even if they are recognised as refugees.

While over 4,000 people seeking asylum have been subject to offshore processing since 2012, at times people have also been brought back to the Australian mainland for various reasons. These include:

- More than 600 adult males and over 350 men, women and children who arrived by boat between 13 August 2012 and up until 19 July 2013 who were originally sent to Nauru and Manus Island. A majority of this cohort were brought back to Australia and granted permission to lodge protection claims onshore after Australia, Nauru and PNG formally signed regional settlement arrangements.
- People who have been transferred for medical treatment or other reasons [i], who are classified as “transitory persons”, and are excluded from lodging substantive visa applications in Australia under Section 46B of the Migration Act.

Of the people who have been subject to offshore processing, approximately 900 have now been resettled in another country – the majority in the United States of America, but also smaller numbers in Cambodia and other countries. Following significant campaigning, the last four children on Nauru travelled to the United States on 28 February 2019 for resettlement. [ii]

New Zealand has offered to resettle 150 recognised refugees from this cohort on an annual basis, but the Australian Government is yet to accept this offer.

#### **Key Statistics**

- As of May 2021, 4,183 people have been sent offshore since 13 August 2012. [iii]
  - Since 2013, 12 people seeking protection have lost their lives on Nauru and in PNG, including due to medical neglect and suicide.
  - There are 1,223 “transitory persons” in Australia as of 14 March 2021.
  - As of May 2021, 942 people who were in offshore facilities have now returned to their country of origin.
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- As of May 2021, 940 people have been resettled in the United States.

- As of May 2021, 131 people remain in Papua New Guinea, and 109 people in Nauru.
- As of May 2021, 192 people were transferred under the Medevac pathway.

No new people seeking asylum have been transferred to Nauru or PNG since 2014, as publicly available information indicates that any boat arrivals have been intercepted and turned back at sea.

### Key Issues

Those who seek safety on our shores following war, conflict, and persecution deserve to be treated humanely, with respect for their human dignity. However, since August 2012 the Australian Government has justified the reintroduction of offshore processing as a way to “save lives” and stop people drowning at sea. In reality, Australia’s offshore processing asylum policy further deprives people of the opportunity to seek safety, damaging and inflicting pain on people seeking protection. [iv]

The suffering experienced by people seeking asylum in Nauru and PNG is immense, with overwhelming evidence suggesting that neglect, physical and sexual abuse, poor access to healthcare, and remote conditions have all contributed to worsening mental and physical health outcomes. [v]

Reports by UN bodies, academics and civil society have outlined multiple cases of self-harm, suicide attempts, and individuals with prolonged, chronic and complex medical conditions. In 2016, UNHCR found that approximately 88% of people seeking asylum on Manus Island were experiencing depressive or anxiety disorders and/or post-traumatic stress disorders. [vi]

Health services available in Nauru and PNG are not equipped to respond to the health issues experienced by people seeking asylum. Many are also unaffordable, with some services including after-hours health care, medication or medical reports incurring a fee. [vii]

In February 2019, the Medevac law was introduced, requiring that the Minister consider the medical advice of independent doctors in deciding whether an individual needed to be transferred from Nauru or PNG to Australia for medical treatment. Following the Coalition Government’s re-election in May 2019, this law was swiftly repealed in December 2019. Most of those who arrived under the Medevac legislation now reside in “Alternative Places of Detention” (APODS) in Australia.

Many experts agree that the Australian government bears some responsibility for the protection of the rights of refugees and people seeking asylum in Nauru and PNG, along with the

governments of those sovereign nations. [viii] Keeping families apart and locking people up indefinitely goes against our international obligations to ensure that individuals are not subject to torture, cruel, inhumane or degrading treatment or punishment.

### Our Recommendation

The Australian Government should end offshore processing and resettle those remaining on Manus Island and Nauru to Australia or ensure their timely resettlement in a safe third country.

The Australian Government should provide permanent visas to all recognised refugees and people seeking asylum from the 'offshore processing' cohort, who are in Australia without access to safe and durable solutions elsewhere.

### Further Resources

[The Andrew & Renata Kaldor Centre for International Refugee Law \(2021\) Offshore Processing factsheet: an overview.](#)

[Jesuit Refuge Service \(JRS\) Australia \(2019\), Submission to the Senate Inquiry into Migration Amendment \(Repairing Medical Transfers\) Bill 2019.](#)

[Parliamentary Joint Committee on Human Rights \(2021\) Human rights scrutiny report, Report 5 of 2021.](#)

[Refugee Council of Australia \(2021\) Offshore processing statistics.](#)

[Refugee Council of Australia \(2020\) Seven years on: an overview of Australia's offshore processing policies.](#)

[Refugee Council of Australia \(2018\) Until when: the forgotten men of Manus Island.](#)

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[i] Refugee Council of Australia (2021) Offshore Processing Statistics.

[ii] SBS News (2019) Final Refugee Children Leave Nauru for US.

[iii] Refugee Council of Australia (2021) Offshore Processing Statistics.

[iv] Refugee Council of Australia (2020) Seven Years On: An Overview of Australia's Offshore Processing Policies.

[v] Refugee Council of Australia (2020) Australia's Offshore Processing Regime: The Facts.

[vi] United Nations High Commissioner for Refugees (2016) Submission by the Office of the United Nations High Commissioner for Refugees on the Inquiry into Serious Allegations of Abuse, Self-Harm, and Neglect of Asylum-Seekers in Relation to the Nauru Regional Processing Centre, and Any Life Allegations in Relation to the Manus Regional Processing Centre, 12 November 2016.

[vii] Refugee Council of Australia (2018) Until When: the Forgotten Men of Manus Island.

[viii] Jesuit Refugee Service Australia (2019) Submission to the Senate Inquiry into Migration Amendment (Repairing Medical Transfers) Bill 2019.