

Fact sheet for Refugee Protection Bill 2018

What will this bill do?

The Refugee Protection Bill provides for a sustainable, equitable and humane response to the protection and processing of asylum seekers and refugees in the Asia Pacific region. It enables the Asia Pacific Asylum Seeker Solution (APASS), a regional framework that has been developed in accordance with United Nations High Commissioner for Refugees (UNHCR) guidelines, the Refugees Convention and international human rights law. These laws, the principles of family unity and the best interests of the child are paramount to all decisions made under this Act.

This Act enables the establishment of a network of centres, located in and run by Asia Pacific countries including Australia, where asylum seekers can go to be registered, have their immediate humanitarian needs met and lodge a preference for country of re-settlement. If the asylum seeker selects Australia, and is within the specified quota, this Act establishes a process for assessing their claim in Australia with appropriate oversight, limited timeframes and judicial review. The Act does not allow mandatory detention and prioritises the applicant's immediate needs and refugee and international human rights law.

How will the APASS process work?

APASS centres will be strategically located across the Asia Pacific region, generally in countries of first asylum or through which asylum seekers and refugees are transiting. The APASS centres are to be clearly marked and asylum seekers and refugees will be encouraged to register.

New arrivals to an APASS centre will be screened and registered and a person's immediate humanitarian needs will be met, even if only on a temporary basis. Upon registration, asylum seekers will be asked to select three preferred host countries. If Australia is selected, and other specified criteria are met, then the applicant will become an Australian APASS applicant. An APASS applicant may remain at the APASS centre where the APASS applicant was registered or be transferred to another APASS centre. A transfer arrangement for an APASS applicant must prioritise the applicant's immediate needs, the principle of family unity, international human rights law and responsibility sharing between APASS member states as a priority. Each APASS applicant will be assigned an APASS case officer who will be responsible for the processing conditions of the applicant, including access to free independent legal advice, accommodation and financial support, as well as working with authorities to ensure an applicant's visa is processed within the statutory time frame. Each step of this process will have restricted time frames, appropriate oversight and review. Australia will take a specified quota of APASS applicants each year who will be considered for permanent visas in Australia based on their refugee status.

How does this bill impact on Australia's humanitarian intake?

Australia will take a specified quota of APASS applicants each year who will be considered for permanent visas in Australia based on their refugee status. Australia's quota would match or exceed other member states of APASS to ensure shared responsibility across the region.

Will this bill result in more people arriving by boat?

No. APASS centres will reduce the need for people to travel to Australia by sea because registration at an APASS centre would be preferable to engaging the service of people smugglers. There would be no cost, the process is equitable and transparent, and each step of the process has specific time frames and appropriate oversight and review.

It is important to acknowledge that people may still choose to arrive by boat and APASS countries, including Australia, would register such people at one of their APASS centres. The current deterrence-based policy implemented by Australia has not reduced the number of refugees in the region but has instead placed greater pressure on neighbouring countries to provide protection. The preoccupation with sea journeys by the Government and Opposition, when people arrive more commonly by plane and face harm while travelling on land, is misleading. Australia needs to share the regional responsibility for the protection of asylum seekers and refugees and adhere to international law that prohibits discrimination against certain groups based on their method of arrival.

Will this cost more than our current offshore processing policy?

No. Australia's current offshore detention policy has been estimated to cost \$573,100 per asylum-seeker, per year. In 2014-15 Australia spent more than \$1 billion on offshore detention where 1577 asylum seekers and refugees were detained. This is more than five times the UNHCR budget, which was estimated to be \$US157 million for 2015 that covered over 200,000 refugees, half a million internally displaced people and nearly 1.4 million stateless persons in the South East Asian region.

A fundamental principle of APASS is cost sharing between member states. Under the APASS regional framework it is expected that Australia will contribute its fair share, which would assist many more asylum seekers and refugees than under current policy.

Will this bill become law?

For APASS to be implemented and successful it will need government and ideally bipartisan support.

This bill is a platform for the Australian community to demand that the Government and Opposition discard Australia's current asylum seeker policy, which is illegal and abhorrent, and instead establish a mechanism to respond effectively to the movement of asylum seekers and refugees as well as provide safe entry for people seeking protection in Australia.