

Refugees

Australia's Refugee Policy:
World Vision Australia's
Public Policy Position

World Vision Australia's position on **Australia's refugee policy**

World Vision Australia affirms the primacy of protecting human beings who have fled persecution and that the Australian Government has an obligation to do so as a States Party to the Refugee Convention.

World Vision Australia is strongly opposed to any treatment of refugees or those seeking asylum that does not accord with international human rights norms and rule of law principles.

The Australian Government should uphold the highest standards of treatment refugees or those seeking asylum.

Australia should work with governments and regional fora in the Asia-Pacific region to ensure that there is a regional framework in place to protect refugees and those seeking asylum.

In order to solve the current policy impasse on refugees, any policy of the Australian Government must:

- place those seeking asylum or refugee status at its centre. Australia is obliged under the Refugee Convention to protect these people who are fleeing persecution and violence. It is also Australia's obligation to uphold rule of law principles, upon which its free and fair society is founded;
- be centred on addressing the causes of the current displacement and protection problem in the Asia-Pacific region, as well as addressing the reasons people continue fleeing;
- end all indefinite detention of those seeking asylum and ensure that appropriately drafted legislation is passed in the Australian Parliament to uphold rule of law principles. A fundamental principle of law is that detention should be for a clear and limited period. In Australia detention is only appropriate in specific circumstances (criminal law); and
- adhere to Australia's international treaty obligations and international human rights standards. This is essential for Australia's legitimacy internationally as well as setting an example across the Asia-Pacific region, given the region has the lowest number of countries which are States Parties to the Refugee Convention.¹

World Vision's mandate to advocate on refugees

The extraordinary number of displaced people – the highest since World War Two – confirms what World Vision sees in its work in difficult places like Afghanistan, Somalia, Syria and the countries neighbouring Syria:² Vulnerable people and communities suffer the most by being forced to leave their homes as a result of conflict, violence and persecution.

World Vision Australia, through its work in some of the most difficult contexts in the world, seeks to address the causes of the current global displacement and refugee crisis every day.

World Vision Australia's policy recommendations for change

World Vision Australia calls on the Australian government to:

1. Ensure no one seeking asylum or refugee status is indefinitely detained (and under no circumstances children).

Those on Manus Island and Nauru should be removed from detention immediately: World Vision Australia's position is that it is Australia's obligation to resettle in Australia those that the Australian Government has held in indefinite detention on Manus Island and Nauru.

Given the recent announcement by Prime Minister Turnbull that the United States of America has agreed to resettle those in detention on Manus Island and Nauru, World Vision Australia calls on the Australian Government to ensure that this resettlement occurs immediately and in accordance with international human rights standards.

World Vision Australia supports and endorses the findings of the Australian Human Rights Commission in its:

- 2014 national inquiry into children in immigration detention, including that no person, and no child should be detained indefinitely for any reason³
- 2016 report setting out pathways to protection – a human rights based response to the flight of asylum seekers at sea⁴

2. Commit to an increased refugee intake year on year to 20,000 in this financial year (2017/18), 30,000 next year (2018/19) and 42,000 in four years time (2020/21).

World Vision Australia views these numbers as an objective and reasonable reflection of the current need globally, and speaks to the need for Australia to increase its current intake policy – especially at a time where there are over 17 million refugees registered with the United Nations (UN) refugee agency.

3. Fund UN appeals according to its fair share to address the crises that refugees, internally displaced people and people seeking asylum are fleeing from.

UN appeals for funding across a number of crises that are responsible for the unprecedented displacement of millions of people – including millions of children – are under-funded.⁵ These appeals are funding essential work by UN agencies and non-governmental organisations (NGOs) at the source of the crises.

4. Work with countries in the Asia-Pacific region to:

- Meaningfully share responsibility for hosting displaced populations, by significantly increasing the number of resettlements and range of legal pathways for admission and resettlement. This includes expanding

humanitarian admission programmes, temporary evacuation programmes and flexible arrangements to facilitate family reunification;

- Ensure that asylum applications are not refused in order to effect returns without due regard for the gravity of the claim of violence or persecution;
- Ensure that any safe third country concept considered by any country only involves resettlement in a third country that has:
 - Ratified and observes the provisions of the 1951 Refugee Convention and the 1967 Protocol; and
 - No geographical limitation to the 1951 Refugee Convention
- Ensure all individual cases are examined to ensure there is no risk of returning those seeking asylum to the place of their claimed persecution by a third party or country.

Such a return would violate the *non-refoulement* principle of international law that prohibits anyone being sent back to the country that they claim to be suffering persecution.

[For more detailed asks for the international community, donors host governments and responding agencies, see [WVA's Public Policy Position on Displacement](#)]

Background

Globally, more than 65 million people have been forcibly displaced from their homes – they are refugees,⁶ internally displaced people⁷ and people seeking asylum.⁸ Forced displacement threatens the achievement of the Sustainable Development Goals (SDGs) and Agenda 2030.

A number of the root causes of forced displacement are captured in the SDGs – including poverty (SDG 1), hunger (SDG 2), climate change (SDG 13) and a lack of peaceful societies (SDG 16).

This policy position focuses on refugees and those who are seeking protection in Australia from persecution and violence.

The international displacement crisis

The international displacement crisis is large and complex. Currently, more than 22 million people are registered as refugees, seeking safety outside their own country.⁹ 51 per cent of registered refugees are under 18 years old. 55 per cent of these refugees come from three countries: South Sudan (1.4 million), Afghanistan (2.5 million) and Syria (5.5 million).¹⁰

Despite the scale of the crisis, well-established principles and obligations apply to people fleeing:

- The first is *non-refoulement*: a refugee should not be returned to a country where they face serious threats to their life or freedom. The *non-refoulement* principle is a core principle of the Refugee Convention and is now considered a rule of customary international law.
- The second is the Refugee Convention more broadly – Australia is a States Party, meaning it is obliged to act consistently with the Convention.

Australian policy landscape

Currently, the Australian policy landscape is at an impasse on refugees.¹¹ On both the left and right of the political spectrum (the Liberals and the Australian Labor Party),¹² policies regarding the treatment of refugees in Australia or refugees attempting to seek refuge in Australia have been adopted that have been criticised by international and domestic human rights institutions.¹³ Criticism is mostly directed towards both parties' use of third country processing and the resulting indefinite detention. The current Australian government policy is centred on border protection and deterrence,¹⁴ and is not sufficiently focussed on its international protection obligations.

In addition, Australia's current commitment to an intake of refugees through its humanitarian program is inadequate given the scale of the international displacement crisis. In September 2016, the Prime Minister of Australia committed to a yearly humanitarian intake of almost 19,000 refugees, however, it is unclear what proportion of that intake will be refugees and whether it will include anyone who comes to Australia by sea.¹⁵

Key resources & references

Key resources

United Nations Refugee Agency (UNHCR), *Global Trends: Forced Displacement in 2016*, 2016, available at: <http://www.unhcr.org/globaltrends2016/>

Australian Government, Department of Immigration and Border Protection, 'Refugee and Humanitarian Programme', available at: <https://www.border.gov.au/Trav/Refu>

References

¹ See Law Council of Australia, *Asylum Seeker Policy*, available at: https://www.lawcouncil.asn.au/lawcouncil/images/LCA-PDF/a-z-docs/AsylumSeeker_Policy_web.pdf

² See World Vision International, *World Vision's response to Aleppo evacuation: Syria Crisis*, 2016, available at: <http://www.wvi.org/syria-crisis>; and World Vision International, *Bringing Hope to Forgotten Faces: 2015 Syria Crisis Response Report*, 2016, available at: <https://www.worldvision.org/sites/default/files/2015%20Syria%20Crisis%20Report-FINAL-electronic-online.pdf>. World Vision Somalia, *2015 Annual Report Somalia*, 2015, available at: <http://www.wvi.org/sites/default/files/2015%20ANNUAL%20REPORT%2010220160%20press%20final%20.pdf>

³ Australian Human Rights Commission, Summary factsheet - The Forgotten Children: National Inquiry into Children in Immigration Detention 2014, 2015, available at: <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/summary-factsheet-forgotten-children-national>

⁴ Australian Human Rights Commission, *Pathways to Protection: A human rights response to the flight of asylum seekers by sea*, 2016, available at: <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/pathways-protection-human-rights-based-response>

⁵ See United Nations Financial Tracking Service, *Tracking humanitarian aid flows*, available at: <https://fts.unocha.org/>

⁶ According to the United Nations Refugee Agency (UNHCR) The 1951 Refugee Convention (available at: <http://www.unhcr.org/1951-refugee-convention.html>) states that a refugee is a person who is outside their own country and is unable or unwilling to return due to a well-founded fear of being persecuted because of their race, religion, nationality, membership of a particular social group or, political opinion.

⁷ These are people who have been displaced from their home or has fled their home but has not crossed an international border. These people cannot claim protection under the Refugee Convention, however are entitled to protection from their government through the government's international obligations and domestic law. See United Nations High Commission for Refugees (UNHCR), *Guiding Principles on Internal Displacement*, September 2004, available at: <http://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>

⁸ Refers to a person seeking refugee status and asylum outside their home country because they are unwilling or unable to return to that home country. The person seeking asylum has yet to be determined as a refugee under an official process – either by an United Nations agency or domestic government. See United Nations High Commission for Refugees (UNHCR), *Asylum-Seekers*, 2016, available at: <http://www.unhcr.org/asylum-seekers.html>

⁹ For further information, see United Nations High Commission for Refugees (UNHCR), *Figures at a glance: Global trends 2016*, 2016 available at: <http://www.unhcr.org/en-au/figures-at-a-glance.html>

¹⁰ See United Nations High Commission for Refugees (UNHCR), *Global Trends*, 2016, available at: <http://www.unhcr.org/globaltrends2016/>

¹¹ Described by the President of the Australian Human Rights Commission in *Pathways to Protection: A human rights response to the flight of asylum seekers by sea*, 2016, p. 1, available at: <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/pathways-protection-human-rights-based-response> .

¹² See Australian Liberal Party, *Protecting our borders*, available at: <https://www.liberal.org.au/our-plan/protecting-our-borders> ;and The Australian Labor Party (ALP), *A humane and compassionate approach to asylum seekers*, available at: <http://www.alp.org.au/asylumseekers>

¹³ See Australian Human Rights Commission, '*Pathways to Protection: A human rights response to the flight of asylum seekers by sea*', 2016, pp. 24-25, available at: <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/pathways-protection-human-rights-based-response>

¹⁴ The Australian Government, Department of Immigration and Border Protection, 'Refugee and Humanitarian Programme', available at: <https://www.border.gov.au/Trav/Refu>

¹⁵ Australia acceded to the Refugee Convention on 22 January 1954. See United Nations High Commission for Refugees (UNHCR), *State Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, available at: <http://www.unhcr.org/en-au/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>