

Submission on Australia's Humanitarian Intake 2017-18

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**For further information regarding
this submission contact:**

**Laura Grant
Senior Policy Advisor – Humanitarian**

laura.grant@worldvision.com.au

World Vision Australia

Summary of World Vision Australia's Recommendations

World Vision Australia recommends that the Australian Government:

Increase the number of places available under the Humanitarian Programme

1. Increase the refugee and humanitarian intake to 20,000 for the next financial year (2017/18), and progressively lift the intake to 30,000 the following year (2018/19) and to 42,000 in four years' time (2020/21).
2. Establish an Emergency Response contingency quota to provide additional capacity to respond to urgent protection needs. Create additional pathways to protection
3. Separate the annual quota for the Community Support Programme from the Humanitarian Programme.
4. Create additional pathways to protection, such as opening priority places for those with protection needs under the Skilled and Student Migration Programmes. Protect children and their families
5. Pilot a Children at Risk programme, building upon its expertise with unaccompanied children and refugee youth.
6. Improve access to family reunification for refugees and humanitarian entrants.
7. Champion the rights of children on the move, particularly in negotiations for the Global Compacts on Refugees and Migration. Strengthen global and regional protection
8. Increase the aid budget to provide more multi-year funding to key refugee source countries, protracted displacement contexts and countries of asylum, in line with its commitments under the Grand Bargain, the Sustainable Development Goals and the New York Declaration.
9. Redress the human rights abuses in its refugee policy to legitimately seek election to the UN Human Rights Council.
10. Make a collaborative approach to increasing protection for vulnerable migrants in the region a central pillar of its foreign policy strategy.

World Vision Australia's submission on the 2017-18 Humanitarian Programme

World Vision Australia welcomes the opportunity to make a submission on the 2017-18 Humanitarian Programme. World Vision notes the Refugee Council of Australia's (RCOA) role as the national umbrella body for refugees and appreciates RCOA's extensive submission, which has been informed by community consultations. We support many of RCOA's recommendations, and the seven principles they have articulated as relevant for the planning of the 2017-18 Humanitarian Programme:

- The need for resettlement to be made widely available as a durable solution - by expanding, not reducing, the Australian refugee resettlement program and advocating for other nations to follow suit
- A focus on resettling the most vulnerable
- An emphasis on family unity
- The strategic use of resettlement to promote broader refugee protection
- The need to balance resettlement needs in different regions
- An additional response to protection needs in large-scale emergency situations — developing a contingency quota to respond to crisis situations such as the current one in countries neighbouring Syria
- A coherent overarching government strategy for refugee protection —ensuring coherence and complementarity between Australia's refugee resettlement and humanitarian programme, its official aid and development programme, its involvement in multilateral forums and its diplomatic action on human rights in refugees' countries of origin and asylum

In this submission, World Vision Australia wishes to draw attention to the issues of direct relevance to our mandate and global operations. Our 10 recommendations are grouped under four broad themes for action:

- A. Increase the number of places available under the Humanitarian Programme
- B. Create additional pathways to protection
- C. Protect children and their families
- D. Strengthen global and regional protection

Increase the number of places available under the Humanitarian Programme

Recommendation



Increase the refugee and humanitarian intake to 20,000 for the next financial year (2017-18), and progressively lift the intake to 30,000 the following year (2018-19) and to 42,000 in four years' time (2020-21).

As the “fundamental feature of the [Humanitarian] Programme is its flexibility and responsiveness to changing global resettlement needs”,¹ Australia can and should increase the number of places available under the Programme to respond to the current global displacement needs, which are unprecedented in scale and are expected to continue to grow.²

Australia has always been a leader in refugee resettlement facilitated through the United Nations High Commissioner for Refugees (UNHCR), and is rightly proud of this fact. Resettlement is a very tangible way to enable displaced people to rebuild their lives and is a desirable durable solution. However, resettlement is only available to a very small percentage of the global displaced population. Only 107,100 of the 16.1 million refugees under UNHCR's mandate were resettled in 2015, or 0.66% of the refugee population.

The United States of America (USA) has historically offered the highest number of resettlement places, resettling 66,517 refugees in 2015, or 62% of all refugees resettled that year. Australia typically offers the third highest number of resettlement places, and resettled 9,399 refugees in 2015. Jointly, the USA, Canada and Australia offered 90% of all resettlement places in 2015. With changes in US foreign policy likely to lead to large reduction in resettlement numbers, it is even more important that Australia stands firm with Canada and increases the number of resettlement places, as well as other protection categories in the humanitarian programme.

With the additional Syrian and Iraqi intake, Australia offered 22,000 places in the humanitarian programme in 2016-17, well above its projected quota of 13,750.

This demonstrates that Australia has the capacity to accept much higher numbers of refugees and humanitarian entrants than the current quota of 16,250 for 2017-18. The global demand for resettlement places continue to rise, and Australia has existing capacity and infrastructure in the refugee settlement services industry to integrate new arrivals following the additional Syrian and Iraqi intake. World Vision notes that RCOA's submission points to the inefficiencies related to constantly scaling up and down settlement services, and advocates for a graduated, planned and consistent increase over time. Accordingly, it makes sense to maintain the intake for 2017-18 at approximately the same level as last year (20,000).

World Vision's recommended further increases of the humanitarian programme to 30,000 in 2018-19 and 42,000 in four years' time reflect global demand and Australia's capacity compared to other OECD states to share responsibility for offering protection, based on population size and gross domestic product. These are significant but reasonable increases, that would see Australia doing its fair share in the face of the world's largest displacement crisis.

The displacement crisis is unlikely to dissipate soon, due to the protracted nature of conflicts in places like Syria, Iraq, Yemen, Afghanistan, Somalia, South Sudan and the Democratic Republic of Congo. Showing leadership in offering protection through Australia's humanitarian programme is particularly critical as Australia bids for a seat on the United Nations (UN) Human Rights Council for the 2018-20 term. The human rights challenges related to the global displacement crisis are likely to persist and be a dominant issue during Australia's potential term on the Council.

Increasing Australia's humanitarian programme would be a sign of solidarity to refugee populations and countries hosting large refugee populations. More than 90% of all refugees are living in low and middle income countries, usually those which border countries in conflict. Approximately a quarter of the refugee population is hosted by least developed nations.

Increasing our intake would also be a sign that Australia was taking its obligations under international conventions seriously and playing its part to find a solution to the global displacement crisis. European members of the OECD have experienced massive increases in refugee arrivals over the past year due to their geographic proximity and shared land borders to the major crises. Australia cannot use the privilege of distance to shrink into isolation in this time of heightened global need. It is incumbent upon us, as an immigrant nation, a wealthy nation with capacity to assist, and as a "united, strong and successful" multicultural Australia,³ to share a greater part of global responsibility for assisting the forcibly displaced.

Recommendation 2

Establish an Emergency Response contingency quota to provide additional capacity to respond to urgent protection needs.

World Vision commends the Australian Government for its leadership and generosity in creating an additional 12,000 places for Syrian and Iraqi refugees. This type of flexibility and ability to scale up protection during emergency situations is a hallmark of a robust protection system. The large Rohingya refugee population in our immediate region and continued conflicts in Syria, Iraq and South Sudan are examples of displacement crises that are likely to require extraordinary responses.

As highlighted in the Refugee Council of Australia's submission, sudden and unplanned increases can lead to disruption in service delivery. Creating an Emergency Response contingency quota would allow the Department and non-governmental actors in the refugee sector to better plan and prepare for emergency situations. The service delivery infrastructure and intergovernmental working groups developed for the recent Syrian and Iraqi intake could be built upon, rather than dismantled, allowing for greater cost-saving and efficient responses in the future.

Create additional pathways to protection

Recommendation

3

Separate the annual quota for the Community Support Programme from the Humanitarian Programme.

All the below pathways should be strictly additional to, and not a substitute for, places under the Humanitarian Programme.

Community sponsorship is an innovative way to increase protection and ensure greater community investment in building a richer, multicultural society that offers protection to those in need. World Vision welcomes the Australian Government's decision to transform the Community Proposal Pilot into a permanent Community Support Programme.

However, community sponsored protection visas must sit outside and additional to the Humanitarian Programme. They represent a willingness by the Australian public to support additional protection places to those already offered by the Government. Just as the Australian Government would not reduce its funding for a natural disaster because the Australian public had been particularly generous in their private donations, the community support programme should be an additional pathway supported by the Australian community in a private capacity, not a substitute for the Government's pre-existing commitments. Such an arrangement is the basis of the model's success in Canada and Germany.

Furthermore, World Vision notes the concerns raised by the Refugee Council of Australia, especially the cost prohibitive nature of the Community Support Programme, and that it is becoming a de facto family reunification pathway. To that end, the community support programme should be revised to be more in line with its original spirit of community-based private sponsorship. The challenges for family reunification of refugees and humanitarian entrants must be addressed as a separate priority (considered in Recommendation 6 below).

Recommendation

4

Create additional pathways to protection, such as opening priority places for those with protection needs under the Skilled and Student Migration Programmes.

World Vision welcomes Australia's commitment under the New York Declaration to considering additional pathways to protection, such as the expansion of "opportunities for labour mobility for refugees, including through private sector partnerships, and for education, such as scholarships and student visas".⁴ To that end, World Vision highlights the Australian Human Rights Commission's recent report which advocates for making Australia's general Migration Programme more "protection-sensitive".⁵

World Vision recognises the benefit of refugees and migrants to Australia,⁶ and that many people seeking protection from Australia may have skills and

qualifications that meet the criteria for non-humanitarian visa pathways but face practical difficulties to access these pathways because of the realities connected to fleeing conflict or persecution. Creating possibilities for these people to enter Australia through non-humanitarian pathways would bring new skills to Australia from culturally diverse backgrounds, open additional pathways to protection at a time of heightened global need and increase the number of places available under the Humanitarian Programme to the most vulnerable people in need of protection, who are unable to meet other visa category criteria.

The Department of Immigration and Border Protection should work collaboratively with partners including the UNHCR, Australian refugee organisations, and where relevant, the Department of Foreign Affairs and Trade and transit countries in the region, to identify the legal and practical barriers which impede access by people fleeing persecution to non-humanitarian visa pathways and to actively facilitate visa applications to other streams of Australia's migration programme. Notably, this could include:

- Reducing or waiving application fees for visas under the broader migration programme for people with protection needs
- Introducing greater flexibility in documentation and evidence requirements, for instance, proof of prior education
- Establish a skills linkage program to connect refugees overseas with employers in Australia
- Integrating DIBP staff into Australian representative offices in key source or transit countries for refugees and making information on Australia's migration programme more easily accessible, including translation into local languages
- Prioritising visa applications for those with protection needs

If such additional pathways are created, it is essential that they are in addition to and not a substitute for protection places under the Humanitarian Programme. Appropriate safeguards must also be established to protect against *refoulement*.⁷

Protect children and their families

Recommendation 5

Pilot a Children at Risk programme, building upon its expertise with unaccompanied children and refugee youth.

With more than half of refugees aged under 18, the UNHCR is focussing attention on resettling children at risk. The UNHCR specifically defines the category of Children and Adolescents at Risk as being broader than unaccompanied children,⁸ and warns that “singling out unaccompanied children specifically for resettlement is unjustified and can result in unintended consequences/harm”, such as providing incentives for families to separate so that children can access resettlement.⁹ Children and Adolescents at Risk may include:

- unaccompanied and separated children,
- children with specific medical needs or disabilities,
- child carers,
- children without legal documentation,
- children at risk or survivors of child marriage and female genital mutilation,
- working children or children at risk of child labour,
- children at risk of not attending school,
- children associated with armed forces or armed groups,
- children in detention,
- children at risk of *refoulement*,
- child survivors of (or at risk of) violence, abuse or exploitation, including sexual and gender-based violence.

Australia has particular expertise in supporting children and adolescents at risk, through the Refugee Youth Support Pilot and the Unaccompanied Humanitarian Minor programme. Australia should build upon this expertise, and associated services and infrastructure, to increase its resettlement capacity for children and adolescents at risk. As noted by the UNHCR, it is of the utmost importance that any Children at Risk pilot is not limited to unaccompanied and separated children, and includes provision to offer protection to family members of children at risk, in accordance with the best interests of the child and the principle of family unity.

Recommendation 6

Improve access to family reunification for refugees and humanitarian entrants.

World Vision notes the serious obstacles to family reunification raised in RCOA's submission on the 2017-18 Humanitarian Intake and extensively outlined in their November 2016 report, *Addressing the Pain of Separation for Refugee Families*.¹⁰ The multiple barriers to family reunification in Australia are particularly concerning considering the UNHCR's five guiding principles to protect families in resettlement contexts, which include:¹¹

- Family reunification restores basic dignity to refugees and is the best means of child protection
- Humanitarian considerations support family reunification
- The refugee family is essential to the successful integration of resettled refugees.¹²

World Vision urges the Australian Government to support a Senate Inquiry to analyse the barriers identified by RCOA and other refugee services agencies and implement policy and/or legislative changes to improve family reunification for refugees and humanitarian entrants. Appropriate solutions should be identified in consultation with refugees, community organisations, peak bodies and service providers.

Potential options for consideration could include:

- Developing a separate humanitarian family reunion programme
- Allocating at least 5,000 of the 57,400 visas under the family stream of the Migration Programme for refugee and humanitarian entrants, and reducing or waiving application fees
- Introducing greater flexibility in documentation and evidence requirements
- Prioritising and fast-tracking applications for family members at immediate risk
- Reviewing the definition of "family" to bring it into line with the definition used in UNHCR's Resettlement Handbook
- Removing any restrictions for family reunion for refugees who arrived by boat

Recommendation 7

Champion the rights for children on the move, particularly in negotiations for the Global Compacts on Refugees and Migration.

The New York Declaration for Refugees and Migrants committed to five key principles for the protection of child rights, namely:

1. Non-discrimination and integration
2. Ensuring the priority of the best interests of the child
3. Ensuring children's access to services
4. Ending child immigration detention
5. Promoting durable solutions

These principles, among others, are also reflected in the Convention on the Rights of the Child and the Sustainable Development Goals.

Australia, as a champion of children's rights, should aim to ensure that both global compacts reflect a common approach to protecting children on the move. At a high level, Australia should adopt and press for language in the compacts on the following key issues:

- Children on the move and other children affected by migration must be considered first and foremost children, and be ensured the same rights as all other children, including birth registration, proof of identity, a nationality and access to education, health care, housing and social protection.
- The best interests of the child shall be a primary consideration in all actions concerning them.
- The detention of children due to their or their parents' migration status constitutes a child rights violation and always contravenes the principle of the best interests of the child.
- All efforts should be taken to ensure family unity and prevent the separation of children from their caregivers during all phases of migration.

Australia has an opportunity to promote action for the protection of children on the move in the Asia-Pacific region by advocating for the implementation and observance of the Convention on the Rights of the Child, which all states in the region have ratified. Australia should work with states in the region to ensure no children are held in immigration detention centres in Australia or other countries in the Asia-Pacific region.

Strengthen **global and regional** protection

Recommendation **8**

Increase the aid budget to provide more multi-year funding to key refugee source countries, protracted displacement contexts and countries of asylum, in line with its commitments under the Grand Bargain, the Sustainable Development Goals and the New York Declaration.

Australia's humanitarian and refugee intake is only one of the ways that Australia contributes to improving protection for those affected by displacement, protracted conflicts and the effects of climate change, including natural disasters. There are clear intersections between Australian refugee policies, the refugee resettlement and humanitarian programme, the official aid and development programme, Australia's engagement in multilateral forums and Australia's diplomatic engagement on conflict prevention, conflict resolution and human rights issues in countries of origin, transit and asylum for refugees. Australia must have a clear and coherent strategy that prioritises protection for the most vulnerable across Australia's refugee policies, aid programme and diplomatic engagement. This is even more essential considering Australia's upcoming bid for a seat on the UN Human Rights Council for the 2018-20 term.

With protracted conflicts dominating so much of modern humanitarian assistance, international aid and refugee policies cannot be seen in isolation from each other. Noting that only 0.66% of the world's refugee population can access resettlement, the clear majority of people needing protection find asylum in the countries that share borders with their own. 90% of the world's refugee population reside in low-to-middle income countries. This places a disproportionate share of global responsibility for hosting refugees on those countries with the most minimal resources available to offer protection, and risks further instability and displacement.

Practitioners and scholars alike recognise the importance of refugee self-reliance and the ability to access jobs, livelihoods, education for children and basic social services in protracted displacement situations.¹³ Host governments that integrate refugee populations in their long-term national development plans see better outcomes for both the refugee population and their own citizens. Yet the low-income status of many refugee hosting nations means they are under increased strain to deliver public goods and services to their own populations and protect against reversals of development gains.

Thus, a critical way that governments must share global responsibility for the current displacement crisis is by wealthy countries such as Australia providing increased, multi-year funding to refugee-hosting governments to enable them to integrate refugees into national development plans and stimulate livelihoods programming that benefit both host and refugee populations. The Jordan Compact negotiated at the London pledging conference for the Syrian refugee crisis, in

which Jordan was promised approximately \$2 billion USD in aid and investment, in return for opening its labour and education markets to Syrian refugees, is one such example.

Recent multi-year funding announced by DFAT to support Syrian refugees and host communities in Jordan and Lebanon is a promising step in this direction by the Australian government.

Aid has an important role to play in addressing the root causes of displacement. Australia should combine multi-year aid funding with diplomacy to promote conflict resolution and respect for human rights in key source countries such as South Sudan and Myanmar. Australia should continue and increase its multi-year funding to support refugee self-reliance and social cohesion in protracted displacement contexts, such as Jordan, Lebanon, Turkey, Uganda and Kenya.

Australia is however, hamstrung in its ability to fully harness the strengths of international aid to prevent and address the root causes of displacement, due to persistent cuts to the aid budget. Increasing the aid budget would also enable Australia to play a more constructive role in the region to promote the rights and protection of people seeking asylum, by working with displaced populations and local host communities in key countries of asylum, including Indonesia, Thailand, Malaysia, Pakistan and Bangladesh.

Recommendation 9

Redress the human rights abuses in its refugee policy to legitimately seek election to the UN Human Rights Council.

World Vision Australia views membership on the UN Human Rights Council as a key opportunity for Australia to demonstrate global human rights leadership and influence the human rights compliance of other UN Member States, thereby contributing to a more peaceful, secure, stable and prosperous world. For Australia to be truly legitimate and influential during its tenure on the Council, it is imperative that Australia redress the human rights abuses perpetuated in its refugee policy and highlighted by many peer governments in Australia's most recent Universal Periodic Review.¹⁴

The current policy lens of deterrence does not address the root causes of forced displacement in the region: rather, it puts additional strains on our neighbours and offers poor protection outcomes for those most in need.

Urgent steps that Australia should take to redress human rights abuses in its refugee policy and promote a rights-based protection regime in the Asia-Pacific region include:

- End offshore processing of asylum claims, close the detention centres on Manus Island and Nauru and offer those remaining in the centres protection in Australia
- End mandatory and indefinite detention of asylum seekers
- Ensure children are not detained under any circumstances
- Remove any penalties based on a refugee's mode of arrival to Australia

- Increase transparency of all operations at sea and ensure sufficient protections against *refoulement*
- Remove the ban on resettlement from Indonesia

The Australian Human Rights Commission has explored alternatives to Australia's current deterrence approach based on third country processing in its *Pathways to Protection* report.¹⁵ The Commission has proposed two main strategies for a pragmatic refugee policy that is compliant with human rights law, namely by expanding opportunities for safe entry to Australia and enhancing Australia's foreign policy strategies on migration in the Asia-Pacific region. World Vision endorses the findings and recommendations of the Australian Human Rights Commission's *Pathways to Protection* report, and urges the Australian Government to act upon them.

Once Australia has addressed the human rights abuses in its own refugee policy, Australia could legitimately play a leadership role on human rights in the region. To that end, Australia should develop a foreign policy strategy, that combines diplomacy and aid, to work collaboratively with partner governments to improve refugee protection in the region, including by ending arbitrary detention of asylum seekers and refugees, ending all detention of children, improving access to refugee status determination and granting refugees the right to work.

Recommendation 10

Make a collaborative approach to increasing protection for vulnerable migrants in the region a central pillar of Australian foreign policy strategy.

Now is an ideal time for Australia to reset its engagement with regional partners to increase refugee protection in the Asia-Pacific region within the context of ongoing negotiations on the Global Compacts on Refugees and Migration. As one of the few states in the region that is a signatory to the Refugee Convention and as co-chair of the Bali process, Australia must show leadership on refugee protection in the region.

Australia should work with regional governments and international organisations, including UNHCR, to meaningfully address the challenges of displacement and its implications for the Asia-Pacific. By closing offshore detention centres, Australia could redirect substantial funds into the aid program to support governments in the Asia Pacific region to address the challenges of forced migration collectively. Australia can engage with regional governments, drawing upon Australia's positive experience with labour migration and multiculturalism, to help neighbour states to address the displacement-related issues that are of highest concern to them. With the threat of climate change and related displacement looming large as an issue for the Pacific, Australia would do well to work collaboratively with Pacific nations to develop policy and plan in anticipation of future migration pressures.

Through effective collaboration, Australia and partner governments in the Asia-Pacific region can ensure effective policy frameworks are developed that are adapted to the region's needs in the Global Compacts on Refugees and Migration.

Endnotes

¹ Australian Government, Department of Immigration and Border Protection, *Discussion Paper: Australia's Humanitarian Programme 2017-18*, 2017.

² UNHCR, *Global Trends: Forced Displacement in 2015*, 2016, available at: <http://www.unhcr.org/576408cd7.pdf>.

³ Australian Government, *Multicultural Australia – united, strong, successful*, 2017, available at: <https://www.dss.gov.au/settlement-andmulticultural-affairs/australian-governments-multicultural-statement/australian-governments-multicultural-statement>.

⁴ General Assembly Resolution 71/1 (2016) (New York Declaration for Refugees and Migrants), A/RES/71/1, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1%20, paragraph 79.

⁵ Australian Human Rights Council, *Pathways to Protection: A human rights-based response to the flight of asylum seekers by sea*, 2016.

⁶ Australian Government, *Multicultural Australia – united, strong, successful*, 2017, available at: <https://www.dss.gov.au/settlement-andmulticultural-affairs/australian-governments-multicultural-statement/australian-governments-multicultural-statement>; Refugee Council of Australia, *Economic, Civic and Social Contributions of Refugees and Humanitarian Entrants*, 2010, available at: http://www.refugeecouncil.org.au/docs/resources/Contributions_of_refugees.pdf.

⁷ Australian Human Rights Council, *Pathways to Protection: A human rights-based response to the flight of asylum seekers by sea*, 2016.

⁸ See UNHCR, *UNHCR Resettlement Handbook*, July 2011, available at: <http://www.refworld.org/docid/4ecb973c2.htm>. Children and Adolescents at Risk (a) are under 18; (b) may or may not be an unaccompanied or separated child; (c) have compelling protection needs which are not addressed in the country of asylum and resettlement has been determined to be the most appropriate solution having regards to the child's best interests.

⁹ UNHCR, Division of International Protection, *Resettlement of Children and Adolescents at Risk*, June 2016, available at: <http://www.refworld.org/docid/58344f244.html>.

¹⁰ Refugee Council of Australia, *Addressing the Pain of Separation for Refugee Families*, 2016, available at: <http://www.refugeecouncil.org.au/publications/reports/family-separation/>.

¹¹ UNHCR, *Protecting the Family: Challenges in Implementing Policy in the Resettlement Context*, 2001, available at: <http://www.unhcr.org/3b30baa04.pdf>.

¹² As confirmed in many studies, such as, Schweitzer et al, 'Trauma, post-migration living difficulties and social support as predictors of psychological adjustment in resettled Sudanese refugees', *Australian and New Zealand Journal of Psychiatry* 41(3), 2006; Simich et al, 'Social support and the significance of shared experience in refugee migration and resettlement', *Western Journal of Nursing Research* 25(7), 2003; Stoll and Johnson, 'Determinants of the psychological adjustment of Southern Sudanese men', *Journal of Refugee Studies* 20(4), 2007.

¹³ Alexander Betts and Paul Collier, *Refuge: Transforming a broken refugee system*, 2017, Allen Lane, UK; Nicholas Crawford et al, *Protracted displacement: Uncertain paths to self-*

reliance in exile, 2015, Overseas Development Institute Humanitarian Policy Group Commission Report, available at: <http://www.internal-displacement.org/assets/publications/2015/20150930-201509-globalprotracted-displacement-odi/201509-global-protracted-displacement-odi-FULL-Report.pdf>.

¹⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia*, 2016, A/HRC/31/14.

¹⁵ Australian Human Rights Council, *Pathways to Protection: A human rights-based response to the flight of asylum seekers by sea*, 2016.