



**The Hon Chris Bowen MP**  
Minister for Immigration and Citizenship

**The Hon John Murphy MP**  
**Chairman, Standing Committee on Petitions**  
**Member for Reid**  
**PO Box 6021**  
**Parliament House**  
**CANBERRA ACT 2600**



Dear Mr Murphy

Thank you for your letter of 24 August 2011 relating to a petition submitted to the Standing Committee on Petitions regarding the Australian Government's Arrangement with Malaysia to counter people smuggling (the Arrangement).

I write to update you on developments following my response to you on 11 October 2011 about a previous petition regarding the Arrangement.

As noted in that letter, the Arrangement represents the first concrete bilateral agreement of the type contemplated by the landmark Regional Co-operation Framework agreed to by ministers at the Bali Process meeting in March.

The Arrangement also presents a significant opportunity to improve the lives of more refugees, while dealing with irregular migration and people smuggling activity in the region.

As I noted previously, the protections and the increased resettlement opportunities contained in the Arrangement reflects genuine progress in advancing humanitarian responses in the region and increasing the available protection space. It also removes the incentive for people to attempt the dangerous boat journey to Australia by boat, which cannot be advocated by anyone who favours a genuinely humanitarian approach.

Following the decision of the High Court on 31 August, the Government introduced legislation into the Parliament to restore the power of the executive to enter into arrangements such as the one with Malaysia.

As the petitioners would be aware, however, the Opposition has indicated its intention to block this legislation, resulting in the need to process all asylum seekers onshore.

Consequently, I recently announced a new approach to the management of asylum seekers who arrive in Australia by boat. Following an initial period of mandatory

detention period for health, security and identity checks, eligible individuals who are assessed as not posing a risk to the community will be progressively considered for community placement while their refugee claims are assessed. Asylum seekers on bridging visas will have the right to work and support themselves and have access to necessary health services.

Further, a single protection visa process for both boat and air arrivals, using the current onshore arrangements for application and independent review through the Refugee Review Tribunal (RRT) system will be implemented during 2012. This process will introduce a single, consistent and efficient process that will continue to afford all people using the system access to judicial review.

The Government remains committed to the Malaysia Arrangement and will move to implement it immediately, should the Opposition indicate that it is willing to pass the legislation necessary to allow for offshore processing.

Thank you again for your referral of this petition. I trust this information is of assistance.

Yours sincerely

**CHRIS BOWEN**

21 DEC 2011