



706/1141

The Hon Brendan O'Connor MP
Minister for Immigration and Citizenship

The Hon John Murphy MP
Chair
Standing Committee on Petitions
House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Mr Murphy

Thank you for your letter of 17 September 2012 to the former Minister for Immigration and Citizenship, the Hon Chris Bowen MP, concerning a petition from concerned residents of Australia asking that the Australian Government reduce overseas aid and stop the arrival of unauthorised boats. I regret the delay in responding.

Ceasing overseas aid is outside my area of portfolio responsibility. I am advised that your letter has been referred to the Australian Agency for International Development (AusAID) which will be writing to you direct about overseas aid.

The issue of asylum seeker policy is among the most complex and challenging areas of Government policy. The Government is motivated by a strong desire to see an end to asylum seekers boarding boats and risking their lives on the dangerous journey from Sri Lanka and Indonesia to Australia. We have seen too often in recent times the fatal consequences for men, women and children of this perilous voyage.

In order to work towards a consensus on this issue, the Government announced the creation of an Expert Panel on Asylum Seekers. The Panel was asked to provide advice to the Government on policy options to prevent asylum seekers risking their lives on dangerous boat journeys to Australia. The Panel's report was released in August 2012 and contained 22 recommendations. The Panel has recommended the implementation of a 'no-advantage principle', regional processing, and the implementation of the Malaysia Arrangement with additional safeguards. The Government has accepted each of these recommendations in-principle, and is working on their implementation.

The 'no advantage' principle means that no benefit should be gained from circumventing regular migration arrangements by arriving in Australia by boat. To this end, the report recommends that asylum seekers who arrived by boat and are confirmed to be refugees should not be resettled in Australia for a period equivalent to the period an asylum seeker would wait for resettlement offshore. Those who are found to not be refugees will be returned to their countries of origin as soon as practicable.

Importantly, there cannot be any broad or blanket exemptions to transfer. Any such exemptions, for example of women and children, would be quickly exploited as a loophole by people smugglers, who would simply resort to filling boats with women and children. Appropriate support and care will be available on Nauru for children and families. Consideration will be given to the exemption of individuals from transfer on a case by case basis and only in particularly compelling circumstances.

The Panel has also recommended the implementation of the Malaysia Arrangement, following the codification of additional safeguards. The Panel described the Malaysia Arrangement as 'innovative' and a solid building block toward further regional cooperation. The Government shares that view. The Panel specifically made it clear that it was important that Australia engage with countries in our region who are not signatories to the Refugee Convention. The Government remains committed to the Malaysia Arrangement and will engage with our Malaysian counterparts to implement the Panel's recommendations.

The Government has increased the size of Australia's humanitarian visa program from 13 750 places to 20 000 places in 2012-13. This increase will assist those asylum seekers who are most in need: those vulnerable people overseas who can't afford to pay for people smugglers.

This represents the biggest boost to our nation's refugee intake in 30 years. It ranks Australia among the top three resettlement countries in the world and has made us the largest United Nations High Commissioner for Refugees (UNHCR) resettlement country on a per capita basis.

As part of this increase to 20 000 places, the Government has specifically allocated an extra 400 places in 2012-13 for UNHCR mandated refugees in Indonesia who are in need of determination. This allocation of 400 places will help asylum seekers within our region to pursue regular migration options rather than pay people smugglers to come by boat.

Complementing this approach, the Humanitarian Program will also target displaced refugee groups in the Middle East and South-West Asia who may otherwise have sought to engage people smugglers to travel to our immediate region.

By increasing the size of our humanitarian visa program and allocating specific places for asylum seekers from Indonesia, the Government has shown that there are established pathways for asylum seekers in our region to seek protection in Australia, rather than risking their lives on a dangerous and perilous boat journey at the hands of unscrupulous people smugglers.

The Government remains strongly committed to Australia's Humanitarian Program as an engaged and leading international citizen willing to do our part to assist the world's refugees. At the same time, however, Australia is also committed to removing the incentive for people to travel to Australia by boat, with the tragic loss of life at sea that we have seen as a result.

Australia has a strong and productive partnership with Indonesia to combat people smuggling activities. The Australian and Indonesian Governments share the view that people smuggling is abhorrent. The criminalisation of people smuggling in Indonesian law, strongly supported by Australia, was a significant step forward in the push to disrupt people smuggling activity regionally.

The renewal of the Memorandum of Understanding (MOU) on immigration cooperation and border control management between the Australian and Indonesian governments also affirms our ongoing commitment to promoting regional cooperation in combating people smuggling activities and other forms of irregular migration. The Australian Government's engagement in Indonesia is focused on supporting whole-of-government efforts to combat people smuggling activity and irregular people movement, collaboration on immigration matters at the operational and technical level, and ongoing work to increase protection space in the region. This includes:

- working with Indonesian immigration authorities to enhance analytical, intelligence and biometric matching capabilities to assist in identifying people who may not be travelling to Indonesia for bona fide purposes;
- providing training to Indonesian immigration officials on document examination, immigration intelligence and facial recognition; and
- an ongoing border management systems partnership to enable reliable detection of people of concern to Indonesian authorities.

Thank you for bringing the petition to the Government's attention.

Yours sincerely



BRENDAN O'CONNOR

12 MAR 2013